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Quebec



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Quebec



**STATUTES**  
OF THE  
**PROVINCE OF QUEBEC**

PASSED IN THE

Sixty-second year of the Reign of Her Majesty

**QUEEN VICTORIA**

AND IN THE

**SECOND SESSION OF THE NINTH LEGISLATURE**

BEGUN AND HOLDEN, AT QUEBEC, ON THE TWELFTH DAY OF JANUARY, AND CLOSED BY  
PROROGATION ON THE TENTH DAY OF MARCH, IN THE YEAR OF OUR LORD  
ONE THOUSAND EIGHT HUNDRED AND NINETY-NINE



**THE HONOURABLE LOUIS AMABLE JETTÉ**  
LIEUTENANT-GOVERNOR

QUEBEC

PRINTED BY CHARLES PAGEAU

PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

ANNO DOMINI, 1899

L 9662

AUG 9 1934

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ANNO SEXAGESIMO SECUNDO

# VICTORIÆ REGINÆ

## CAP. I

An Act granting to Her Majesty the moneys required for the expenses of the Government for the financial years ending on the 30th June, 1899, and on the 30th June, 1900, and for other purposes connected with the public service

[Assented to 19th March, 1899]

MOST GRACIOUS SOVEREIGN,

**WHEREAS**, it appears by messages from the Honourable Preamble. Louis Amable Jetté, Lieutenant-Governor of this Province, and the estimates accompanying the same, that the sums hereinafter mentioned are required to defray certain expenses of the Government of the Province, not otherwise provided for, for the financial years ending on the 30th June, 1899, and on the 30th June, 1900, and for other purposes connected with the public service ; May it, therefore, please Your Majesty that it may be enacted, and be it enacted, by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislature of Quebec, that :

1. From and out of the consolidated revenue fund of this Province, there shall and may be taken a sum, not exceeding in the whole sixty-seven thousand, one hundred and thirty-six dollars and ninety-nine cents, for defraying the charges and expenses of the Government and public service of the Province, for the financial year ending on the 30th June, 1899, as set forth in Schedule A, annexed to this act.

\$67,136.99  
may be taken  
for the year  
ending 30th  
June, 1899,  
out of consol-  
idated reve-  
nue fund, for  
purposes  
mentioned in  
Schedule A

\$1,967,684.78  
may be taken  
for the year  
ending 30th  
June, 1900,  
out of consol-  
idated reve-  
nue fund, for  
purposes  
mentioned in  
Schedule B.

**2.** From and out of the consolidated revenue fund of this Province, a sum, not exceeding in the whole one million, nine hundred and sixty-seven thousand, six hundred and eighty-four dollars and seventy-eight cents, may be taken for defraying, during the financial year ending on the 30th June, 1900, the charges and expenses of the Government and public service of the Province, as set forth in Schedule B, annexed to this act.

Payments to  
be made sub-  
ject to settle-  
ment of ac-  
counts with  
the Dominion  
and Ontario.

**3.** Every payment or application of moneys, appropriated by this act, shall be held to be made provisionally, and subject to all adjustment in account hereafter, in respect of the Dominion and of the Province of Ontario, and of special funds, which this act may in any manner affect.

Accounts to  
be rendered to  
both Houses  
of the Legis-  
lature.

**4.** Accounts, in detail, of all moneys expended under the authority of this act, shall be laid before both Houses of the Legislature of the Province, at the next session thereof.

Moneys ex-  
pended to be  
accounted for  
to Her Ma-  
jesty.  
Coming into  
force.

**5.** The application of all sums expended under the authority of this act shall also be accounted for to Her Majesty.

**6.** This act shall come into force on the day of the sanction thereof.

MANUEL GOSWAMI



## SCHEDULE A

Sums granted to Her Majesty, by this act, for the financial year ending on the 30th June, 1899, with indication of the purposes for which they are granted.

No.	SERVICE.	—	Total.
		\$ cts	\$ cts
	II.—LEGISLATION.		
1	Expenses of Elections. ....		1,000 00
	IV.—ADMINISTRATION OF JUSTICE, &c.		
	Miscellaneous.		
2	Judge C. L. Champagne, amount of judgment for salary, as District Magistrate, from 1st July to 16th November, 1893, <i>in re</i> Chas. L. Champagne, Petitioner, <i>vs.</i> The Queen :		
	Capital .....	\$1,125 00	
	Interest, at 6 p. c. per annum, from 11th December, 1897, to 1st March, 1899. .	82 29	
	Costs, taxed bill. ....	157 99	
	Interest, at 6 p. c. per annum, from 7th February, 1898, to 1st March, 1899. .	10 00	
		1,375 28	
3	Heirs Judge Barry, in payment of a similar claim as a consequence of the above mentioned judgment :		
	Capital .....	\$1,125 00	
	Interest, at 6 per cent per annum, from 11th December, 1897, to 1st March, 1899 .....	82 29	
		1,207 29	
4	Reformatory and Industrial Schools. ....	5,400 00	7,982 57
	Carried over .....		8,982 57

## SCHEDULE A—Continued

No.	SERVICE.	—	Total.
		\$ cts	\$ cts
	Brought forward .....		8,982 57
	V.—PUBLIC INSTRUCTION, &c.		
	Miscellaneous.		
5	Roman Catholic High School, Montreal, under the direction of the Revd. J. Quinlivan: aid in construction of building.....		1,000 00
	VI.—PUBLIC WORKS AND BUILDINGS.		
	(Extraordinary.)		
6	Court House, Montreal, for furniture: amount awarded under arbitration, including costs, &c. Re-vote of part of the item No. 17 of 61 Victoria, chapter 1, Schedule A .....		6,904 42
	VII.—AGRICULTURE.		
7	Compton Model Farm: Purchase price of Farm in virtue of Contract of 23rd April, 1896. Re-vote.....		5,000 00
	IX.—COLONIZATION AND MINES.		
8	Women's Protective Immigration Society, Quebec. ....		250 00
	X.—CHARITIES.		
9	Lunatic Asylums, including transfer of patients from Gaols to Asylums, and other incidental expenses: to cover increase under Saint Jean de Dieu Lunatic Asylum's Contract rate, and also increase of number of patients in Asylums.....		45,000 00
	Total.....		67,136 99

## SCHEDULE B

Sums granted to Her Majesty, by this act, for the financial year ending on the 30th June, 1900, with indication of the purposes for which they are granted.

No.	SERVICE.	—	—	Total.
		\$ cts	\$ cts	\$ cts
	I.—PUBLIC DEBT.			
1	Charges of management.....			14,151 34
	II.—LEGISLATION.			
	<i>Legislative Council.</i>			
2	Speaker's salary.....	1,000 00		
3	Salaries, contingent expenses, &c.....	12,811 50	13,811 50	
	<i>Legislative Assembly.</i>			
4	Speaker's salary.....	1,000 00		
5	Salaries, contingent expenses, &c.....	51,718 20	52,718 20	
6	Printing and binding for both Houses of the Legislature. R. S. Q., art. 158.....		25,400 00	
	<i>Library of the Legislature.</i>			
7	Purchase of books.....	2,000 00		
8	Salaries, contingent expenses, &c.....	5,800 00	7,800 00	
9	Expenses of Elections.....		2,500 00	
10	Clerk of the Crown in Chancery : —Salary.....		200 00	
	<i>Queen's Printer.</i>			
11	Printing, binding and distributing the laws.....		5,000 00	107,429 70
	Carried over.....			121,581 04

## SCHEDULE B—Continued

No.	SERVICE.	—	—	Total
		\$ cts	\$ cts	\$ cts
	Brought forward .....			121,581 04
	III.—CIVIL GOVERNMENT.			
12	Salaries .....		4,250 00	
13	Contingencies .....		51,500 00	55,750 00
	IV.—ADMINISTRATION OF JUSTICE, &c.			
14	Administration of justice .....		278,455 20	
	Police.			
15	Judge of the Sessions of the Peace, and his assistant, Quebec; Police Magistrates, Montreal; their salaries, those of their officers and contingencies, including salaries of high constable and his deputy, &c., Montreal .....		26,260 00	
16	Inspection of Public Offices .....		9,000 00	
17	Registrars' salaries and contingencies .....		30,000 00	343,715 20
	V.—PUBLIC INSTRUCTION, &c.			
	(Through the Department of Public Instruction.)			
	Public Instruction proper.			
18	Superior Education: Five per cent. of the Roman Catholic share of this sum will be annually retained, to be distributed, in such proportion as the Lieutenant-Governor in Council may be pleased to determine, among the institutions for Deaf-Mutes and the Blind in Roman Catholic Institutions in the Province; and five			
	Carried over .....			521,046 24

## SCHEDULE B—Continued

No.	SERVICE.	—	—	Total.
		\$ cts	\$ cts	\$ cts
	Brought forward .....			521,046 24
	V.—PUBLIC INSTRUCTION, &c.—Continued.			
	(Through the Department of Public Instruction.)—Continued.			
	Public Instruction proper.—Continued.			
	per cent. or the share of Roman Catholics in the Superior Education Fund may be employed by the Superintendent of Public Instruction in competitions and rewards for the best works published in this Province and, particularly, those intended for teaching in elementary schools, and \$10,000 shall be paid, under 57 Victoria, chapter 23, section 17, out of the said share of the said fund, to the Polytechnic school.			
	Of the portion apportioned to Protestant Superior Education, \$200 shall be applied in aid of the Provincial Teachers' Association, and \$700 towards the salary of an Inspector of Superior Schools, Academies, &c. ....	71,000 00		
19	Polytechnic School, Montreal : to cover an amount retained from its appropriation for 1897-1898 through an error in the translation of the English text. .	500 00		
20	High Schools : Quebec and Montreal. ....	2,470 00		
21	Compensation to Roman Catholic Institutions for grants to High Schools, out of which \$2,000 for the Law Faculty of Laval University, Montreal, and \$2,000 for the Montreal School of Medicine and Surgery. ....	4,940 00		
	Carried over. ....	78,910 00		521,046 24

SCHEDULE B—*Continued*

No.	SERVICE.	—	—	Total.
		\$ cts	\$ cts	\$ cts
	Brought forward.....	78,910 00	.....	521,046 24
	V.—PUBLIC INSTRUCTION, &c.— <i>Continued.</i>			
	(Through the Department of Public Instruction.)— <i>Continued.</i>			
	<i>Public Instruction proper.</i> —Continued.			
22	Public Schools : Five per cent of the share of Roman Catholics in this sum shall be annually retained to be distributed, in such proportion as the Lieutenant-Governor in Council may be pleased to determine, among the Roman Catholic Institutions for Deaf-Mutes and the Blind in the Province.	160,000 00		
23	Schools in Poor Municipalities.....	13,000 00		
24	Normal Schools.....	43,000 00		
25	Inspection of Schools.....	36,000 00		
26	Superannuated Teachers.....	8,000 00		
27	Books for prizes.....	2,000 00		
28	Schools for the deaf and dumb .....	12,000 00		
29	School for the deaf and dumb, Mile End, Montreal. ....	500 00		
30	School for deaf and dumb girls, Sisters of Providence, Montreal .....	500 00		
31	Council of Public Instruction.....	2,000 00		
32	Towards the publication of a French journal, and of an English journal on Public Instruction, upon the conditions and in the manner determined by the Provincial Secretary.....	6,050 00		
33	Scholastic Museum.....	600 00		
34	Superintendent's Report .....	500 00		
	Miscellaneous.		363,060 00	
35	<i>Succursale de l'Université Laval</i> , Montreal, fourth out of seven equal payments..		4,000 00	
	Carried over.....	.....	367,060 00	521,046 24

## SCHEDULE B—Continued

No.	SERVICE.	—	—	Total.
		\$ cts	\$ cts	\$ cts
	Brought forward.....		367,060 00	521,046 24
	V.—PUBLIC INSTRUCTION, &c.—Continued.			
	<i>Literary and Scientific Institutions.</i>			
36	Collège de Saint Romuald d'Etchemin : aid towards its reconstruction, 1st out of 3 equal payments.....	500 00		
37	School of Navigation, Quebec.....	1,000 00	1,500 00	
	<i>Arts and Manufactures.</i>			
38	Council of Arts and Manufactures, comprising the teaching of fine arts applied to industry.....		13,000 00	381,560 00
	VI.—PUBLIC WORKS AND BUILDINGS.			
	(Ordinary.)			
39	Rents, insurances, repairs, &c., of public buildings generally.....	73,611 03		
40	Inspections, Explorations, &c.....	3,000 00		
41	Repairs of Court Houses and Gaols.....	16,865 00		
42	Rents of Court Houses and Gaols.....	1,926 76		
43	Inspection of Railways.....	1,000 00		
44	"Quebec Industrial Establishments' Act" (57 Vic., cap. 30) formerly "Quebec Factories' Act.".....	12,000 00	108,402 79	
	(Extraordinary.)			
45	Bridge des Joachims over River Ottawa : aid towards its construction, provided the Federal and Ontario Governments furnish the remainder required for its completion.....	2,000 00		
46	Aid towards works to other bridges.....	5,000 00		
47	New Court House, Sherbrooke, towards the construction, 1st out of 4 payments....	15,000 00	22,000 00	130,402 79
	Carried over.....			1,033,009 03

## SCHEDULE B—Continued

No.	SERVICE.	—	—	Total.
		\$ cts	\$ cts	\$ cts
	Brought forward .....			1,033,000 03
	VII.—AGRICULTURE.			
48	Farmers' Clubs—( <i>Cercles agricoles</i> )—encouragement of agriculture in general and improvement of rural roads.....		45,000 00	
49	Horticultural Society, Quebec .....		250 00	
50	Council of Agriculture .....		3,000 00	
51	Agricultural Schools .....		15,000 00	
52	Veterinary Schools .....		5,000 00	
53	Dairy Association of the Province of Quebec, and inspection of butter and cheese syndicates. R. S. Q., art. 1753a and 1753e, (54 V., c. 20, and O. C. No. 75 of 24th January, 1891) .....		13,100 00	
54	Towards the encouragement of the Dairy Industry, the teaching of the manufacture of the new varieties of cheese, dairy products' competition ( <i>Concours de produits laitiers</i> .) Inspectors of butter and cheese manufactures of the Province, &c., &c. ....		11,000 00	
55	Encouragement of the culture of fruit trees .....		1,500 00	
56	Official Laboratory of the Province of Quebec .....		1,000 00	
57	Lectures on agriculture .....		3,000 00	
58	Poultry Association, Montreal .....		200 00	
59	Provincial Agricultural Merit .....		2,500 00	
60	Arbor Day .....		100 00	
61	The Eastern Townships' Agricultural Association, 60 Vic., cap. 9 : 3rd out of 5 equal grants. To be paid after its exhibition is held (Sherbrooke Exhibition) .....		5,000 00	
62	La Métairie St. Joseph, St. Hyacinthe : to aid in the reconstruction of its buildings destroyed by fire : 1st out of 3 equal payments .....		1,000 00	
63	Improvement of Rural Roads .....		15,000 00	121,650 00
	Carried over .....			1,154,650 03



## SCHEDULE B—Continued

No.	SERVICE.	—	—	Total.
		\$ cts	\$ cts	\$ cts
	Brought forward.....			1,154,659 03
	VIII.—LANDS, FORESTS AND FISHERIES.			
64	General expenditure.....		83,000 00	
65	Fisheries and Game.....		16,000 00	
66	Suspense account.....		11,000 00	
67	Protection of Forests.....		15,000 00	
68	Publication of Sectional Maps.....		1,000 00	126,000 00
	IX.—COLONIZATION AND MINES, &c.			
69	Colonization Roads.....		80,000 00	
70	Colonization Societies generally.....		4,000 00	
71	Immigration: Quebec and Montreal Offices.....		3,500 00	
72	Women's Protective Immigration Society, Montreal.....		500 00	
73	Women's Protective Immigration Society, Quebec.....		250 00	
74	Registration service (Cadastre).....		12,000 00	
75	Surveys.....		25,000 00	
76	Mines.....		5,000 00	
77	Publication of Maps.....		2,000 00	
78	Suspense account.....		1,000 00	133,250 00
	X.—LUNATIC ASYLUMS, REFORMATORIES, &c.			
79	Lunatic Asylums, including transfer of pa- tients from Gaols to Asylums and other incidental expenses.....		320,000 00	
80	Reformatory and Industrial schools, includ- ing incidental expenses.....		58,900 00	
81	Quebec Official Gazette.....		13,000 00	
82	Night Schools.....		12,000 00	
	Carried over.....		403,900 00	1,413,909 03

SCHEDULE B—*Continued*

No.	SERVICE.	—	—	Total,
		\$ cts	\$ cts	\$ cts
	Brought forward .....		403,900 00	1,413,909 03
	X.—LUNATIC ASYLUMS, REFORMATORIES, &c.— <i>Continued.</i>			
83	Provincial Board of Health.—Rev. Stat. P.Q., Title 7, cap. 3, sec. 1 .....		10,500 00	
84	Towards procuring vaccine (including in- spection) .....		2,000 00	
85	Belmont Retreat: McKay's institution: grant towards .....		500 00	
86	"Monument National," Montreal: aid towards this undertaking controlled by "l'Association St. Jean Baptiste" of that city.—incorporated under 51-52 Vic. cap. 65, as amended by 55-56 Vic., cap. 85.—3rd out of 5 equal payments, subject to the conditions of O. C. No. 187, of 29th May, 1896 .....		2,500 00	419,400 00
	XI.—CHARITIES.			
	<i>Miscellaneous.</i>			
87	Corporation of General Hospital, Montreal .....		5,000 00	
88	Indigent Sick, do .....		2,240 00	
89	St. Patrick's Hospital, do .....		1,120 00	
90	<i>Sœurs de la Providence</i> , do .....		588 00	
91	<i>St. Vincent de Paul</i> Asylum, do .....		315 00	
92	Protestant House of Industry and Refuge, do .....		420 00	
93	Protestant Home for Friend- less Women, do .....		105 00	
94	St. Patrick's Orphan Asylum, do .....		336 00	
95	The Montreal Maternity, do .....		252 00	
	Carried over .....		10,376 00	1,833,309 03

## SCHEDULE B—Continued

No.	SERVICE.	—	—	Total.
		\$ cts	\$ cts	\$ cts
	Brought forward.....		10,376 00	1,833,309 03
	XI.—CHARITIES.—Continued.			
	Miscellaneous.—Continued.			
96	Magdalen Asylum ( <i>Bon Pasteur</i> ), Montreal		378 00	
97	Roman Catholic Orphan Asylum, do		168 00	
98	<i>Sœurs de la Charité</i> , do		560 00	
99	do for their foundling hospital, do		105 00	
100	Protestant Orphan Asylum, do		336 00	
101	Lying-in Hospital, care <i>Sœurs de la Miséricorde</i> , do		383 25	
102	Bonaventure Street Asylum, do		225 75	
103	Nazareth Asylum for destitute children, do		210 00	
104	School for the blind, Nazareth Asylum, do		1,390 00	
105	Work-room for the blind, Nazareth Asylum, do		300 00	
106	Montreal Dispensary, do		375 00	
107	Montreal Ladies' Benevolent Society, do		637 50	
108	St. Bridget's Asylum, do		420 00	
109	Protestant Infants' Home, do		210 00	
110	Church Home, do		135 00	
111	<i>Hospice de Bethléem</i> , do		262 50	
112	<i>Notre-Dame</i> Hospital, do		5,000 00	
113	<i>Hôtel-Dieu</i> , do		1,050 00	
	Carried over.....		22,522 00	1,833,309 03

## SCHEDULE B—Continued

No.	SERVICE.	—	—	Total.
		\$ cts	\$ cts	\$ cts
	Brought forward . . . . .		22,522 00	1,833,309 03
	XI.—CHARITIES.—Continued.			
	Miscellaneous.—Continued.			
114	Ladies' Hebrew Benevolent Society, Montreal . . . . .		187 50	
115	<i>Sœurs de la Miséricorde</i> , towards keeping foundlings, do . . . . .		375 00	
116	<i>Sœurs de la Providence</i> , corner of St. Catherine and Fullum streets, do . . . . .		150 00	
117	Young Men's Hebrew Benevolent Society, do . . . . .		187 50	
118	Sheltering Home, do . . . . .		150 00	
119	McKay Institute, do . . . . .		3,000 00	
120	The Montreal Foundling and Infant Nursery (formerly called Saint Margaret's Nursery) do . . . . .		187 50	
121	<i>Hospice de St. Joseph du Bon Pasteur</i> , do . . . . .		105 00	
122	<i>Petites Sœurs des Pauvres</i> , do . . . . .		70 00	
123	Society of Sisters of St. Margaret, do . . . . .		200 00	
124	The Western Hospital, do . . . . .		282 50	
125	Hervey Institute, do . . . . .		168 00	
126	House of Refuge, Ste. Cunégonde, do . . . . .		300 00	
127	Charitable Ladies' Association of the Roman Catholic Orphan Asylum and Nazareth Asylum, Quebec . . . . .		798 00	
128	Indigent Sick, do . . . . .		2,240 00	
	Carried over . . . . .		30,903 00	1,833,309 03

## SCHEDULE B—Continued

No.	SERVICE.	—	—	Total.
		\$ cts	\$ cts	\$ cts
	Brought forward.....		30,903 00	1,833,309 03
	<b>XI.—CHARITIES.—Continued.</b>			
	<i>Miscellaneous.—Continued.</i>			
129	Asylum of the Good Shepherd, Quebec ..		750 00	
130	Ladies' Protestant Home, do ..		393 75	
131	Malo Orphan Asylum, do ..		220 50	
132	Finlay Asylum, do ..		220 50	
133	Protestant Female Orphan Asylum, do ..		220 50	
134	Saint Bridget's Asylum, do ..		525 00	
135	Dispensary, do ..		105 00	
136	Sisters of Charity, do ..		135 00	
137	do do for widows and infirm persons, do ..		210 00	
138	<i>L'Hotel-Dieu du Sacre-Cœur de Jésus de Québec,</i> do ..		880 00	
139	do do Dispensary, do ..		105 00	
140	do do for Foundlings, do ..		305 00	
141	do do for Epileptics, do ..		187 50	
142	Women's Christian Association, do ..		105 00	
143	Lying-in-Hospital, care of the Ladies of the Good Shepherd, do ..		1,500 00	
144	Orphan Asylum, care of Sisters of Charity, do ..		250 00	
145	General Hospital, do ..		750 00	
146	<i>L'Œuvre du Patronage,</i> do ..		375 00	
	Carried over.....		38,140 75	1,833,309 03

## SCHEDULE B—Continued

No.	SERVICE.	—	—	Total.
		\$ cts	\$ cts	\$ cts
	Brought forward.....		38,140 75	1,833,309 03
	XI.—CHARITIES.—Continued.			
	Miscellaneous.—Continued.			
147	Indigent Sick, <i>Asile de la Providence</i> , Three Rivers.....		1,600 00	
148	Sisters of Charity, for their Lying-in Hospital, do.....		280 00	
149	General Hospital, Sorel.....		490 00	
150	St. Hyacinthe Hospital, St. Hyacinthe.....		350 00	
151	Hôtel Dieu, Nicolet.....		200 00	
152	<i>Sœurs de la Charité</i> , Rimouski.....		262 50	
153	Sherbrooke Hospital and Orphan Asylum, Sherbrooke.....		450 00	
154	Protestant Hospital, do.....		300 00	
155	<i>Hôpital St. Joseph de la Délivrance</i> , Levis.....		210 00	
156	Hôtel-Dieu St. Valier, Chicoutimi.....		300 00	
157	Hôtel-Dieu, Arthabaska.....		187 50	
158	<i>Hospice Ste. Anne de la Baie St. Paul</i> , for old and infirm persons and for idiots, Baie St. Paul.....		375 00	
159	Fraserville Hospital, Fraserville.....		400 00	
160	Hospital for Orphans and for the aged and the sick, Valleyfield.....		300 00	
161	St. Jérôme Hospital, St. Jérôme.....		250 00	
162	<i>Hospice St. Antoine</i> for Orphans, Infirm and Sick, Longueuil.....		300 00	
163	<i>Hôpital St. Jean</i> , St. Johns.....		140 00	
164	Sisters of Charity, do.....		140 00	44,675 75
	Carried over.....			1,877,984 78

## SCHEDULE B—Continued

No.	SERVICE.	—	—	Total.
		\$ cts	. \$ cts	\$ cts
	Brought forward .....			1,877,984 78
	XIII.—MISCELLANEOUS SERVICES.			
165	Miscellaneous generally .....		20,000 00	
166	Agent in France, salary and allowance for office rent, &c. ....		3,000 00	
167	Municipalities' Fund. R.S.Q., art. 2744 .....		500 00	
168	Stamps, Licenses, &c. ....		10,000 00	
169	Collection of Licenses, &c. ; expenses in connection with same .....		50,000 00	
170	Annuity to Mrs. Gaspard Drolet, per Resolution Legislative Assembly of 3rd February, 1890 .....		800 00	
171	Bar of the Province of Quebec : aid towards the publication of Judicial Reports ...		3,000 00	
172	Special officer, North Coast of the St. Lawrence : salary and travelling expenses, (O. C. No. 51, of 31st January, 1896) ..		1,200 00	
173	Province of Quebec Rifle Association .....		200 00	
174	The Imperial Institute, London : share of the Province of Quebec in cost of maintenance of same .....		1,000 00	89,700 00
	Total .....			1,967,684 78

## C.A.P. II

## An Act respecting Longue-Pointe Asylum.

[Assented to 10th March, 1899]

## Preamble.

**W**HEREAS the community of *Les Sœurs de Charité de la Providence* has commenced to construct extensive buildings for the care of the insane in their establishment at *St. Jean de Dieu* near Montreal ;

Whereas, by petition dated the 16th of January, 1899, addressed to the Lieutenant-Governor in Council, the said community represented that the expenditure incurred for the construction of the said buildings now reaches the sum of \$610,000, and that the sum of \$500,000, which it borrowed with the guarantee of the Government of this Province, authorized by the act 60 Victoria, chapter 6, section 2, has been entirely expended for the said buildings ;

Whereas, notwithstanding such large expenditure, there remains an important part of the necessary buildings still to be constructed, and to complete the same, it is requisite to borrow a sum of at least \$500,000 ;

Whereas the said Sisters cannot, without the guarantee of the Province of Quebec, borrow such sum, as the Province holds the first hypothec, on their establishment and upon all their farms depending therefrom for the \$500,000 already borrowed, and has had the fire insurance policies transferred to it for the sum of \$400,000 ;

Whereas, by contract passed at Montreal, on the 13th March, 1897, before James Lonergan, Notary, between the Government of this Province and the said Sisters, the Government confided to them, for a period of twenty-five years from the first of January, 1897, the care and maintenance of the insane, and the due execution of the said contract necessitates the completion of the said buildings ;

Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

Government  
may guaran-  
tee loan of  
\$500,000,  
upon certain  
conditions.

**1.** The Lieutenant-Governor in Council is authorized to guarantee, for a term of years, not to exceed the present contract, the payment of the capital and the interest, at a rate not exceeding four per cent per annum, of a new loan of \$500,000 to be made by the community of *Les Sœurs de Charité de la Providence*, which loan shall be employed to the satisfaction of the Lieutenant-Governor in council for the purposes of the said buildings, provided :

(a) That any sum which the Government may be called upon to pay hereafter under the said guarantee shall be deducted from the amount annually due to the said Sisters under the said contract of the 13th March, 1897 ;



(b) That the said Sisters shall, so as to secure the repayment of any sum that may be paid under this guarantee, sign, in favor of the Government, a deed of hypothec, to the satisfaction of the Lieutenant-Governor in Council, upon the said new buildings and upon the present buildings, as well as upon the land upon which they are built or will be built, and

(c) That the said Sisters shall insure the said buildings for at least three-fourths of their value and shall transfer the policies effecting such insurance to the Government.

2. This act shall come into force on the day of its sanction. Coming into force.

### CAP. III

An Act respecting the Protestant Hospital for the Insane.

[Assented to 10th March, 1899]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

1. The contracts in Schedules A and B to this act, between the Government of this Province and the Protestant Hospital for the Insane, passed on the 27th day of January, 1899, are approved and ratified. Contracts ratified.

2. This act shall come into force on the day of its sanction. Coming into force.

### SCHEDULE A

On this twenty-seventh day of the month of January, in the year of our Lord one thousand eight hundred and ninety-nine :

Before me, G. R. LIGHTHALL, the undersigned notary public for the Province of Quebec, residing and practising in the city of Montreal, in the said Province :

#### PERSONALLY APPEARED

The Honorable JOSEPH E. ROBIDOUX, residing in the city of Quebec, herein acting in his quality of Provincial Secretary of the Government of the said Province of Quebec, and herein acting for and on behalf of the said Government of said Province by an order in council of date the thirty-first day of August now last past,

eighteen hundred and ninety-eight, duly approved by His Excellency the **LIEUTENANT-GOVERNOR** of said Province of Quebec, on the first day of September last past, eighteen hundred and ninety-eight, copy of which said order in council duly authenticated is hereto annexed, signed and paraphed *ne varietur* by the parties hereto, and said notary,

OF THE FIRST PART ;

And the **PROTESTANT HOSPITAL FOR THE INSANE**, a body politic and corporate, duly incorporated by law, and herein represented by **WOLFERSTAN THOMAS** and **ROBERT REID**, both of the said city of Montreal, Esquires, herein acting in their qualities of President and Honorary Secretary, for the time being, of said hospital, and duly authorized for the ends and purposes hereof by a resolution of the board of governors of the said Protestant Hospital for the Insane, passed at Montreal on the twenty-ninth day of December now last past, and of which a certified copy is hereto annexed, signed and paraphed *ne varietur* by the parties hereto and said notary,

OF THE SECOND PART.

Which said parties declared unto said Notary to have covenanted and agreed together as follows, to wit :

That whereas, by an order in council bearing the No. 448, dated the thirtieth day of August eighteen hundred and ninety-two, the said Government of the said Province of Quebec did guarantee the capital and interest on the debentures issued by the said Protestant Hospital for the Insane to the amount of one hundred and fifty thousand dollars, and interest at the rate of four and one half per cent per annum.

That by memorandum sent by way of letter of date the fourth day of May eighteen hundred and ninety-five, the directors or governors of said hospital did request the said Government to charge itself with the payment of the interest of their debentures, amounting to thirty-five thousand dollars.

That the said Government, by an order in council of date the fourteenth day of June, eighteen hundred and ninety-five, informed the said Protestant Hospital for the Insane that it would charge itself for three years, dating from the first day of July eighteen hundred and ninety-five, with the payment of interest on the debt then due of one hundred and fifty thousand dollars, at a rate not exceeding four and one half per cent per annum, and that it would charge itself also with the payment of interest on the additional debentures of thirty-five thousand dollars, which the said

directors proposed to issue, and that it would guarantee, on the whole amount of one hundred and eighty-five thousand dollars, the interest on the debentures under the same conditions and obligations as those already existing to wit, namely :

A new mortgage and additional policies similar to those granted and given for the one hundred and fifty thousand dollars, and that this guarantee would be for a term of twenty years, and three years above mentioned, namely: from the first day of July, eighteen hundred and ninety-five, to the first day of July, eighteen hundred and ninety-eight, being therein comprised or included.

That by a contract passed between the said Government and the said Protestant Hospital for the Insane, before E. G. Simard, notary public of Montreal, of date the seventeenth day of April, eighteen hundred and ninety-six, and made according to the act 59 Victoria, chapter 5, section 2, the Government *de facto* charged itself with the payment of interest for the term of three years on the one hundred and eighty-five thousand dollars of debentures, issued by the directors or governors of the said hospital, and that in the same document it is also declared that it will be legal for the Lieutenant-Governor in council to give the same guarantee for a term not exceeding seventeen years.

That a new agreement or contract for maintenance of patients between the said Government and the said Protestant Hospital for the Insane has been passed and that it agrees to give to the governors of the said hospital, during the entire length of the said contract, namely:—ten years, the same advantages that they had under the temporary contract, which ended on the first day of July last past, eighteen hundred and ninety-eight.

Therefore the said Government charges itself for the said term of ten years, dating from the first day of July, eighteen hundred and ninety-eight, with the payment of the said interest on the said sum of one hundred and eighty-five thousand dollars of debentures issued by the directors or governors of the said Protestant Hospital for the Insane at a rate not exceeding four and one half per cent per annum, from the said first day of July, eighteen hundred and ninety-eight, and, as a guarantee or security to said Government of said Province of Quebec for the payment of the capital of said debentures and interest, the said Protestant Hospital for the Insane, represented as aforesaid, doth hereby specially charge, mortgage and affect, to and in favor of said Government of said Province of Quebec, accepting thereof in manner as aforesaid :

That certain farm or tract of land situate and being in the municipality of Verdun, in the county of Hochelaga, in said Province of Quebec, and known and designated upon the official plan and in the book of reference for the former

parish of Montreal, as official lot number four thousand six hundred and eighty-five (No. 4685) with the buildings and machinery in buildings thereon erected.

Such is the agreement and are the conventions of the said parties hereto, who for the execution hereof have elected domicile at their offices in Montreal aforesaid.

**WHEREOF ACTE :**

DONE AND PASSED, at the city of Montreal, on the day, month and year first hereinbefore written, under the number three thousand five hundred and eighty-four of the original deeds remaining of record in the office of the undersigned notary, and after due reading hereof, the said parties hereto have signed, with and in presence of said undersigned notary.

(Signed) J. E. ROBIDOUX, *Secretary*  
*of the Province of Quebec.*

“ F. WOLFERSTAN THOMAS, *President.*

“ ROBERT REID, *Hon. Secty.*

“ GEO. R. LIGHTHALL, N.P.

A TRUE COPY of the original hereof remaining of record  
in my office.

(Signed), G. R. LIGHTHALL, N.P.

## SCHEDULE B

On this twenty-seventh day of the month of January, in the year of Our Lord, one thousand eight hundred and ninety-nine.

Before me, **GEORGE R. LIGHTHALL**, the undersigned Notary Public for the Province of Quebec, residing and practising in the city of **Montreal**, in the said Province :

**PERSONALLY APPEARED**

**The PROTESTANT HOSPITAL for the INSANE, a body politic and corporate, incorporated by the act 44-45 Victoria, chapter 50, Statutes of Quebec, hereunto represented by**

F. WOLFERSTAN THOMAS, esquire, of the city of Montreal, in his quality of president, for the time being, of the said PROTESTANT HOSPITAL for the INSANE, duly authorized for the effect hereof by a resolution of the board of governors of the said PROTESTANT HOSPITAL for the INSANE, passed at Montreal, on the twenty-ninth day of November, 1898, and of which a certified copy is hereunto annexed and signed by the parties and by me the said Notary, for identification,

OF THE ONE PART.

And the Honorable JOSEPH E. ROBIDOUX, of the city of Quebec, Provincial Secretary of the Government of the said Province of Quebec, duly authorized for the effect hereof, by an Order in Council, dated the twenty-eighth day of June last past (1898), and bearing the number 376, and of which a certified copy is hereunto annexed and signed by the parties hereto and by me the said Notary, for identification,

OF THE OTHER PART.

Which said parties have covenanted and agreed together as follows :

Whereas, by a resolution adopted by the Legislative Assembly of the Province of Quebec, on the 20th December, 1890, the said Legislative Assembly of the said Province of Quebec did empower the Lieutenant-Governor in Council to authorize the Provincial Secretary, on behalf of the Province, to enter into an agreement with the said Protestant Hospital for the Insane, for the maintenance and treatment of the Protestant insane on certain conditions and for a certain period therein mentioned.

In consequence whereof the said Protestant Hospital for the Insane, represented as aforesaid, covenanted and agreed with the said Government of the said Province of Quebec, by contract of date the 2nd February, 1891, which was passed before F. X. Gosselin, Notary Public of Quebec, of said last mentioned date, to furnish, at their cost and expense during a period to be computed from the 3rd July, 1893, with a convenient lodging for the Protestant insane and idiots, who should be sent to them by order of the Government of this Province, and to give them good, sound and sufficient food, raiment and clothing, proper care and attendance, and everything that might be necessary for their care, maintenance, clothing, diet and treatment as well in good health and in sickness, the whole as more carefully stated in said contract and agreement hereinbefore mentioned and agreeing to the schedule thereunto annexed.

It being thereby specially understood that the said schedule was a minimum of what should have to be furnished on the conditions thereunto annexed, namely :

1. That the Province of Quebec retains and assumes the absolute control of the medical services, to wit :—The guardians of the patients insane, be under the control of the medical officer or superintendent, who may dismiss them if he found them incompetent and unfit.

That they are all exclusively employed for the care of the patients, and should not absent themselves from their work without the permission of the said medical superintendent.

That they should not be under twenty-one years of age nor over sixty-five years of age.

That the patients should be under the direction of the medical superintendent, and particularly as to their physical exercise and work.

That the medical superintendent should also regulate the nature and duration of the occupations of each of said patients, namely :

If they should receive visitors or not. The authorities of said hospital should be obliged, upon the instructions of the medical superintendent, to employ the patients at work in several occupations or on the farm, and also to create, as the same may or might be, some easy industries so as to give them work or to create a mode of treatment.

That the patients' clothing and raiment should be suitable according to the different seasons, so as to allow them to go out as much as possible every day.

2. That the Protestant character of the institution secured by its act of incorporation, and powers, rights and privileges conferred upon said hospital and its board of governors by its said act of incorporation, should not be impaired nor held to be waived in any respect by said contract ; nor should said contract be invoked by any party as a suspension of or interference with said charter or act of incorporation.

3. That the number of guardians to be employed by the said Protestant Hospital for the Insane and the number of patients to be assigned to each, should be regulated by the Provincial Secretary, on the advice of the medical superintendent.

4. That any extra medical comfort that might be furnished to the patients by order of the medical superintendent, not detailed in the above mentioned schedule, should be deemed to form part of the medical treatment, and should be furnished on behalf of and at the expense of the Province.

5. That an accountant should be appointed by the Lieutenant-Governor in council to keep such books as the Provincial Secretary may or might advise, in connection with the said hospital, and that the said hospital should lodge and

board the said accountant, but that his salary should be paid by the said Province.

6. That the said contract should be subject to the laws governing public Lunatic Asylums and the regulations made thereunder, and that the said hospital and the authorities thereof agree to submit thereto at all times.

7. That the said Protestant Hospital for the Insane should make or cause to be made, in the buildings now used for lodging the said patients, all and every alterations and modifications that might be required by the medical officer or superintendent, or the inspectors of asylums and gaols, either for improving the ventilation in the said establishment or for assuring a more complete safety to the patients, or necessary for the classification and treatment of the patients received in the said hospital; provided however that said alterations and modifications should not be too onerous and be absolutely necessary, and, in case of any dispute in the matter, the same should be referred to one of the police magistrates for the district of Montreal, whose decision should be final and without appeal, the said judge not being bound to follow the ordinary procedure.

8. That the said hospital should be obliged to conform themselves to all recommendations, suggestions and prescriptions that should be made and given to them by the medical officer or officers appointed by the Lieutenant-Governor in council or the Provincial Secretary.

9. That the Province may or might during the pendency of the said contract, purchase the buildings of the hospital for a sum to be named by arbitrators to be appointed as follows: One by the Lieutenant-Governor, one by the authorities of the said hospital, and the third by the two first ones.

10. That the violation of every or any of the provisions of the said contract on the part of the said hospital and the authorities thereof, shall be considered as a sufficient cause or reason for annulling the said contract.

And the said Government of the said Province of Quebec was bound to pay to the said Protestant Hospital for the Insane for each insane or idiot so received in the said hospital, the sum of one hundred and sixteen dollars per annum, during the whole period of said contract, without any other additional charge whatsoever, except as above mentioned for extra medical care. Such said consideration to be paid by the Government to the said hospital every three months upon production by them of a detailed account, according to the form approved of by the Government.

That the medical officer or officers or superintendents or accountant, be paid by the Government, so long as he or they should fulfil the said office or offices.

It was also stipulated and agreed that the said hospital should have the right to ask for and receive three dollars

from the Government for each and every patient who died and was interred by the hospital authorities during the said contract.

It was also stipulated and agreed that the Protestant Hospital for the Insane should be entitled to be paid at the rate therein stipulated for all patients received by them from the date of their admission therein upon the production of an account as above mentioned.

And finally that the said contract should be binding on the said Protestant Hospital for the Insane only when it would be ratified and approved of by the board of governors of the said hospital duly called for.

The aforesaid contract so executed before the said F. X. GOSSELIN, Notary Public, of date the second day of February, eighteen hundred and ninety-one, having been made for the term reckoning from the date of said contract to the first day of July eighteen hundred and ninety-five, expiring on said last mentioned date.

And whereas the Government of the said Province of Quebec, represented as aforesaid and authorized as aforesaid, have agreed with the said Protestant Hospital for the Insane to prolong and extend the said contract under the same terms, conditions, obligations and stipulations as therein set forth, for the further term of thirteen years, which included a contract for three years, entered into between the said Government of the said Province of Quebec, and the said Protestant Hospital for the Insane, reckoning from the first day of July, eighteen hundred and ninety-five.

Now therefore, these presents witness that the said parties hereto do hereby covenant and agree under the authority of the above-mentioned order in council No. 376 of the 29th June, 1898, that the Government of this Province shall pay, during the term and space of ten years from the first day of July now last past, the sum of \$116.00 a year for each public insane kept in the said Protestant Hospital for the Insane, so long as the population of the said hospital shall not have reached one thousand, and when the number of public patients in said hospital shall be of one thousand, the price to be paid for the board and keeping of the same shall be one hundred dollars a year for each, under the same terms, conditions, reservations and agreements as are mentioned and set forth in the said contract, made and executed before the said F. X. GOSSELIN, notary public, of date the 2nd day of February, 1891.

**WHEREOF ACTE :**

DONE AND PASSED, at the said city of Montreal, in the office of GEORGE R. LIGHTHALL, said undersigned notary, on the day, month and year first hereinbefore written, under the number three thousand five hundred and eighty-



five of the original deeds remaining of record in the office of the undersigned notary, and after due reading hereof, the said parties hereto have signed with and in presence of said undersigned notary.

(Signed) J. E. ROBIDOUX, *Provincial Secretary.*

“ F. WOLFERSTAN THOMAS, *President*

“ ROBERT REID, *Hon. Secty.*

“ GEO. R. LIGHTHALL, *N. P.*

A TRUE COPY of the original hereof remaining of record in my office.

(Signed) GEO. R. LIGHTHALL, *N. P.*

#### C A P. IV

An Act respecting the time within which the works upon certain railways are to be completed and respecting certain railway subsidies.

[Assented to 10th March, 1899]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

1. The time within which the works upon the Pontiac Pacific Junction Railway are to be completed, is extended to the 31st December, 1899.

Extension of time to Pontiac Pacific Junction Ry.

2. The time within which the works upon the Great Northern Railway are to be completed, is extended to the 31st December, 1900.

Id. to Great Northern Ry.

3. Whereas, under the provisions of the act 60 Victoria, chapter 4, section 8, the Lieutenant-Governor in Council was authorized to pay the Great Northern Railway Company the balance of the subsidy transferred to it by the Lower Laurentian Railway Company by transfer of the 20th September, 1893, and the said balance was declared to be the sum of \$87,750 for 13 miles of road, to wit, \$65,000 for the balance of the subsidy in cash and \$22,750 for the balance of the land subsidy, valuing the land grant of 5000 acres per mile at 35 cents per acre, leaving out of account the sum allowed to be paid,

Certain payment to Great Northern Ry. authorized.

under the provisions of section 12 of the said act, for the second instalment of the land grant, fixed at 17½ cents per acre, namely, the sum of \$11,375, and whereas the company has since received the sum of \$8,750 on account of the said second instalment of the land grant, leaving the sum of \$2,625 payable to the company, the Lieutenant-Governor in council is authorized to pay over to the said The Great Northern Railway Company the said sum of \$2,625, being the balance due upon the second and final instalment of the land grant for the 13 miles.

Extension of  
time to Or-  
ford Moun-  
tain Ry.  
Application  
of subsidies.

4. The time within which the works upon the Orford Mountain Railway are to be completed, is extended to the 31st December, 1902; the subsidies heretofore granted and made payable to the company, shall, during that extended time, be, if earned by the company, paid to it; and such subsidies shall apply on every extension or branch built by the said railway in conformity with its charter, subject to the approbation of the Lieutenant-Governor in council, provided the total obligations of the Province towards the company shall not be in any manner increased.

Coming into  
force.

5. This act shall come into force on the day of its sanction.

## C A P. V

An Act respecting the territories of Abittibi, Mistassini and Ashuanipi.

[Assented to 25th February, 1899]

Preamble.

WHEREAS the definition of the northeastern, northern and northwestern frontiers of the Province of Quebec by the act of Canada, 61 Victoria, chapter 3, passed in accordance with the consent of this Legislature expressed by the act 61 Victoria, chapter 6, has necessitated a new description of the limits of certain counties comprised in the basin of the St. Lawrence,—which is contained in chapter 6 of these statutes—and the organization of the territory lying to the north of the said basin;

Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

Division of  
certain por-  
tions of the  
Province into  
three terri-  
tories.

1. The whole of the territory of the Province, comprised between the northeastern, northern and northwestern limits of the counties of Pontiac, Montcalm, Joliette, Berthier, Maskinongé, St. Maurice, Champlain, Lake St. John, Chicoutimi and Saguenay and the northeastern, northern and

northwestern frontiers of the Province, as defined in the act of Canada, 61 Victoria, chapter 3, and the act of this Legislature 61 Victoria, chapter 6, is divided into three territories to be known and designated under the names of : Territory of Abittibi, territory of Mistassini and territory of Ashuanipi. Names of territories.

**2.** These three territories are described as follows :

1. The territory of Abittibi is bounded on the north and on the west by the limits of the Province ; on the north-east by the new territory of Mistassini ; towards the south by the county of Pontiac ; and towards the southeast by the counties of Montcalm, Joliette, Berthier, Maskinongé, St. Maurice, Champlain and Lake St. John. Description of territory of : Abittibi ;

The territory, so bounded, comprises the basin of James's Bay, less the part watered by the Rivers East Main and Rupert.

2. The territory of Mistassini is bounded on the north and west by the limits of the Province ; on the southwest by the new territory of Abittibi ; and on the southeast by the counties of Chicoutimi and Lake St. John. Mistassini ;

The territory, so bounded, comprises the basin of the East Main and that of Rupert river.

3. The territory of Ashuanipi is bounded on the north, east and west by the limits of the Province ; and on the south and southwest by the county of Saguenay. Ashuanipi.

The territory so bounded comprises the basin of the River Ashuanipi, Hamilton or Esquimaux, as well as all other parts of territory watered by water-courses flowing directly towards the Atlantic.

**3.** The laws and regulations in force in the Province of Quebec are and shall be in force in the said territories, in so far as they may apply and in so far as they may not be modified or amended by competent authority. Laws in force in territories.

It shall, however, be lawful for the Lieutenant-Governor in Council to suspend, in the said territories, in whole or in part, for the time deemed convenient, the laws respecting game and fisheries, and to make, amend and repeal such regulations as he may deem expedient respecting such matters. Power of Lieutenant-Governor to suspend game and fishing laws, &c.

**4.** For judicial and registration purposes, the territory of Abittibi shall be deemed to form part of the county of Pontiac, the territory of Mistassini, of the second division of the county of Lake St. John, and the territory of Ashuanipi, of the county of Saguenay. Annexation of territories to certain counties for certain purposes.

**5.** The Lieutenant-Governor in Council may, by commission, appoint one or more residents in any of the said territories as justices of the peace, with jurisdiction over all these Appointment of justices of the peace for territories.

territories or over that one or those which he shall be pleased to indicate.

Qualifica-  
tions.

The persons so appointed must be British subjects of the full age of twenty-one years, but need not possess any of the other qualifications required of justices of the peace.

R. S., 2574 to  
apply.

Article 2574 of the Revised Statutes apply to such justices of the peace.

Coming into  
force.

**6.** This act shall come into force on the day of its sanction.

## CAP. VI

An Act respecting the northeastern, northern and northwestern limits of certain counties in the Province.

*[Assented to 25th February, 1899]*

Preamble.

**W**HEREAS the northeastern, northern and northwestern frontier of the Province of Quebec, which served as the boundary of certain counties of this Province, was definitively established by the act of the Parliament of Canada 61 Victoria, chapter 3, in accordance with the consent of the Legislature of Quebec, expressed by the act 61 Victoria, chapter 6 ;

Whereas the aforesaid delimitation of the frontier necessitates a new description of the limits of the said counties ;

Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

R. S., 64,  
No. 7, of table  
amended.

**1.** The first paragraph of the description of the county of Berthier, in Number 7 of the table of the names and descriptions of the electoral districts of the Province, contained in article 64 of the Revised Statutes, is replaced by the following :

County of  
Berthier.

“ The county of Berthier is bounded on the southwest by the counties of l'Assomption and Joliette ; on the northwest by the county of Joliette and by the line dividing the waters of the basin of the River St. Lawrence from those of Hudson Bay ; on the northeast by the county of Maskinongé, and on the southeast by the River St. Lawrence, following, from the limits of the parish of Ste Geneviève de Berthier, the ship channel to the south of Ile St. Ignace, Ile Madame, Ile Ronde, Ile à l'Ours, and the Iles au Sable, as far as lake St. Peter and the northwestern limits of the county of Maskinongé, including Ile St. Ignace, Ile au Castor, the Common of Berthier, Ile aux Foins, Ile aux Fênes, Ile aux Cochons, Ile St. Amand, Ile Morrison, Ile du Pads, Ile des Plantes, Ile Ducharme, Ile Manon, Ile à l'Orme, Ile au Noyer, Ile Lamarche, Ile à la Cavalle, situated between Ile

Madame, Ile à l'Ours, and Ile du Pads, and all the small islands and *battures* included within such extent of territory, Ile du Nord, Ile des Péloquins, Ile des Cardins, Ile Millet, les Isles and la *batture* aux Carpes, les Isles de la Girodeau, Ile du Milieu, la Grande Ile, Ile de la Traverse, Ile à Letendre, les Isles au Sable, and all the small islands and *battures* included within such extent of territory and situated to the north thereof and to the south of Ile à l'Aigle and Ile à la Grenouille."

2. The first paragraph of the description of the county of Champlain, in Number 11 of the said table of the said article, as replaced by the act 58 Victoria, chapter 12, section 2, is replaced by the following : Id., No. 11, amended.

"The county of Champlain is bounded, on the south-west, by the River St. Maurice, from its mouth as far as the most northern point where the southwestern line of the township of Radnor touches the right bank of the said river ; thence, towards the northwest, by the southwestern line of Radnor, as far as the southeastern limits of the parish of St. Jacques des Piles ; thence, by the latter limits, as far as the southwestern limits of the said parish of St. Jacques des Piles ; thence along the said southwestern limits of the parish of St. Jacques des Piles, as far as lakes à la Pêche ; thence, by the latter lakes and lake à la Truite, as far as the southwestern line of the seigniory of Cap de la Madeleine, and thence, by that line prolonged, to the line dividing the waters of the basin of the River St. Lawrence from those of Hudson Bay ; on the northwest, by the said line dividing the aforesaid waters ; on the southeast, by the River St. Lawrence and the county of Portneuf, following the prolongation of the southeastern line of the township of Mikinac, as far as the River Batiscan, and thence by the River Batiscan as far as the southwestern line of the county of Quebec, and on the northeast by the counties of Portneuf, Quebec and Lake St. John." County of Champlain.

3. The first paragraph of the description of the county of Chicoutimi, in Number 14 of the said table of the said article, as enacted by the act 53 Victoria, chapter 2, section 1, is replaced by the following : Id., No. 14, amended.

"The county of Chicoutimi is bounded on the south by the parallel of the forty-eighth degree of north latitude, as far as the intersection of the prolongation of the southeastern line of the township of St. John on the Saguenay ; thence on the southeast by the prolongation of such line as far as the River Saguenay and crossing the River Saguenay to the southeast angle of the township of Labrosse ; thence along the division line between the townships of Labrosse and County of Chicoutimi.

Albert to the rear line of the township of Labrosse; on the east by a line drawn from that point true north to the line dividing the waters of the basin of the River St. Lawrence from those of Hudson Bay, and on the north by the said division line of the said waters, and on the northwest and west by the county of Lake St. John, from which county it is divided by the River Peribonka from the line dividing the waters of the basin of the River St. Lawrence from those of Hudson Bay southward until it is intersected by the prolongation northward of the line dividing the townships of Taché and Delisle; thence southerly following the said line to the Grand Discharge of Lake St. John; thence along the north bank of the said Grand Discharge eastwards to a point opposite the line dividing the townships of Kenogami and Labarre; thence across the River Saguenay to the said division line; thence southwards along the said line until it strikes the south bank of Lake Kenogami; thence eastward along the said lake to the eastern point of the parish of Notre-Dame de Hebertville, thence southwesterly along the southwestern line of the said parish until it is intersected by the division line between the townships of Méty and Plessis; thence southerly along the said line and its prolongation until it intersects the River aux Ecorces, and thence southerly along the said river until it reaches the said forty-eighth parallel of north latitude."

Id., No. 24,  
amended.

4. The first paragraph of the description of the county of Joliette in Number 24 of the said table of the said article is replaced by the following :

County of  
Joliette.

"The county of Joliette is bounded on the southeast and on the northeast by the county of Berthier; on the northwest by the line dividing the waters of the basin of the River St. Lawrence from those of Hudson Bay, and on the southwest by the counties of Montcalm and l'Assomption."

Id., No. 32,  
amended.

5. The first paragraph of the description of the county of Maskinongé in Number 32 of the said table of the said article, as amended by the act 56 Victoria, chapter 44, section 1, is replaced by following :

County of  
Maskinongé.

"The county of Maskinongé is bounded on the northeast by the county of St. Maurice; on the southwest by the county of Berthier; on the southeast by Lake St. Peter, and on the northwest by the line dividing the waters of the basin of the River St. Lawrence from those of Hudson Bay, including the nearest islands situated wholly or in part opposite thereto."

Id., No. 35,  
amended.

6. The first paragraph of the description of the county of Montcalm in Number 35 of the said table of the said article is replaced by the following :

"The county of Montcalm is bounded on the northeast County of Montcalm. by the county of Joliette; on the south by the counties of l'Assomption and Terrebonne; on the southwest by the counties of Terrebonne, Ottawa and Pontiac, and on the north by the line dividing the waters of the basin of the River St. Lawrence from those of Hudson Bay."

7. The first paragraph of the description of the county Id., No. 44, of Pontiac, in Number 44 of the said table of the said article amended. is replaced by the following :

"The county of Pontiac is bounded on the east by the County of Pontiac. county of Ottawa; on the south and southwest by the River Ottawa; on the west by lake Temiscamingue and a line drawn true north from the head of that lake to the line dividing the waters of the basin of the River St. Lawrence from those of Hudson Bay; on the north by the said line dividing the said waters, and on the northeast by the county of Montcalm, including the Grand Calumet, Allumettes and Petites Allumettes Islands, and the other islands belonging to the Province of Quebec, situated opposite to such county."

8. The first paragraph of the description of the county Id., No. 54, of Saguenay, in Number 54 of the said table of the said article, amended. is replaced by the following :

"The county of Saguenay is bounded on the south and County of Saguenay. southeast by the Gulf and River St. Lawrence; on the south by the parallel of the forty-eighth degree of north latitude as far as the county of Chicoutimi; on the north west and west by the county of Chicoutimi; on the north by the parallel of fifty-two degrees and forty-five minutes north latitude, and by the line dividing the waters of the basin of the River St. Lawrence from those of the River Ashuanipi, Hamilton or des Esquimaux, and on the east by the limits of the Province, including the islands and islets of Mingan, the Island of Anticosti, and the nearest islands situated wholly or in part opposite to such county."

9. The first paragraph of the description of the county Id., No. 61 of St. Maurice, in Number 61 of the said table of the said amended. article, as replaced by the act 58 Victoria, chapter 12, section 3, is replaced by the following :

"The county of St. Maurice is bounded on the northeast County of St. Maurice. by the electoral district of the city of Three Rivers, the River St. Maurice, from the northwestern limits of the city of Three Rivers to the most northern point where the south-westerly line of the township of Radnor touches the right bank of the said river; thence towards the northwest by the southwestern line of the township of Radnor as far as the southeastern limits of the parish of St. Jacques des Piles; thence, by the latter limits as far as the south-

western limits of the parish of St. Jacques des Piles, thence, by the said southwestern limits of the parish of St. Jacques des Piles, as far as the lakes à la Pêche, thence, by the latter lakes and lake à la Truite, as far as the southwestern line of the seigniory of Cap de la Madeleine, and thence, by the said line prolonged as far as the line dividing the waters of the basin of the River St. Lawrence from those of Hudson Bay; on the northwest by the said line dividing the said waters; on the southeast by the River St. Lawrence, and on the southwest by the county of Maskinongé."

53 V., c. 2,  
s. 1, § 2,  
amended.

**10.** The first paragraph of the description of the county of Lake St. John, as enacted by the act 53 Victoria, chapter 2, section 1, subsection 2, is replaced by the following :

County of  
Lake St.  
John.

"The county of Lake St. John is bounded on the southwest by the county of Champlain; on the south by the parallel of the forty-eighth degree of North latitude; on the east by the county of Chicoutimi, and towards the northwest by the line dividing the waters of the basin of the River St. Lawrence from those of Hudson Bay."

Coming into  
force.

**11.** This act shall come into force on the day of its sanction.

## CAP. VII

An Act to amend the act concerning the registration division of the county of Labelle.

[Assented to 10th March, 1899]

Preamble.

**WHEREAS** the corporation of the county of Labelle has, by its petition, represented :

That the registry office of the county of Labelle is at present in the town of Buckingham ;

That it is in the interest of the majority of the electors of the county that such registry office be transferred to Papineauville, the *chef-lieu* of the county ;

Whereas, by its petition, the said corporation has prayed that an act be passed to transfer the registry office of the county of Labelle, from Buckingham to Papineauville, and it is expedient to pass the present act;

Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

60 V., c. 15,  
s. 2, replaced.

**1.** Section 2 of the act 60 Victoria, chapter 15, is replaced by the following :

Names of  
places com-  
prised in

"**2.** One of the counties shall comprise the township and augmentation of Templeton, including the village of Pointe-



à Gatineau, the townships of Hull, Eardly, Masham, Wakefield, Low, Denholm, Aylwin, Hincks, Northfield, Wright, Bouchette, Cameron, Kensington, Maniwaki, Egan, Lytton, Sicotte, Aumond, Baskatong, and all the unorganized territories west of the east line of the said township of Baskatong and of a line to be drawn as the continuation, towards the north, of the eastern line of the township of Baskatong, to the southern boundary of the county of Montcalm, and shall be called the "county of Wright," with the *chef-lieu* in the city of Hull.

county of Wright for municipal purposes.

For registration purposes the county of Wright shall also comprise the city of Hull and the town of Aylmer.

For registration purposes.

The other county shall comprise the parish of Notre-Dame de Bonsecours, including the village of Montebello, the parish of Ste. Angélique, including the village of Papineauville, the parish of St. André Avelin, the township and augmentation of Lochaber, including the village of Thurso, the townships of Buckingham, Portland, Derry, Mulgrave, Ripon, Villeneuve, Lathbury, Hartwell, Suffolk, Ponsonby, Wells, Bidwell, Preston, Addington, Amherst, Clyde, Labelle, Killaly, McGill, Dudley, La Minerve, Joly, Marchand, Loranger, Kiamika, Campbell, Bowman, Bigelow, Blake, Wabasse, Bouthillier, Robertson, Pope, Gagnon, Lesage, Montigny, Boyer, Turgeon, Rochon, Moreau, Gravel and Würtele, and all the unorganized territory east of the east line of the said township of Baskatong and of a line to be drawn as the continuation, towards the north, of the eastern line of the township of Baskatong, as well as to the east of the townships above named and forming part of the said county of Wright, to the south of the southern boundary of the county of Montcalm, and shall be called the "county of Labelle."

Names of places comprised in county of Labelle for municipal purposes.

For registration purposes, the county of Labelle shall also comprise the town of Buckingham."

For registration purposes.

2. The county council of the county of Labelle may, at any time after the coming into force of this act, erect or procure, at the *chef-lieu* of the county, a suitable building with a fire-proof vault for the use of the registry office, and, so soon as such office and vault have been erected or procured, it shall be lawful for the Lieutenant-Governor in Council, by proclamation to that effect issued, to order the removal of the present registry office from the town of Buckingham, and its establishment at the said *chef-lieu*, and, from and after the day named in such proclamation, the registry office of the said county shall be kept therein.

When proclamation may issue to change location of registry office of Labelle.

Such proclamation shall, however, not be issued unless the town of Buckingham has been paid the sum of \$250.00 by the corporation of the county of Labelle, for the expenses it incurred for the installation of the registry office there, since the coming into force of the act 60 Victoria, chapter 15.

Proceedings  
for redemption  
of certain lands be-  
fore whom to  
be had.

**3.** All proceedings for the redemption of immoveables, situated in the former county of Ottawa, heretofore sold for arrears of taxes, shall be had and taken before the secretary-treasurer of the county of Wright, who alone shall be entitled to receive the moneys paid for such redemption.

Tax-titles to  
lands in  
Ottawa by  
whom to be  
granted.

**4.** It shall be lawful for the secretary-treasurer of the county of Wright to grant unto the purchasers of immoveables, situated in the former county of Ottawa, heretofore sold for arrears of taxes, the final title to which they are entitled under the provisions of article 1000 of the Municipal Code.

Registration  
thereof.

**5.** Deeds of sale granted by the secretary-treasurer of the county of Wright shall be registered in the registry office of the county of Wright, and, if necessary, a certificate of such registration may be recorded in the registry office of the county of Labelle at the expense of the person applying therefor.

Coming into  
force.

**6.** This act shall come into force on the day of its sanction.

## C A P. VIII

An Act respecting the division of the county of Pontiac for municipal and registration purposes.

[Assented to 10th March, 1899]

**H**ER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

County  
divided for  
certain pur-  
poses.

**1.** From the coming into force of this act, the county of Pontiac shall be divided for municipal and registration purposes into two distinct and separate county divisions.

Name and  
description of  
first division.

**2.** The first of these divisions shall constitute a corporation under the name of the "corporation of the first division of the county of Pontiac," and shall comprise the whole of that part of the county to the east of the river Dumoine, Grand Lake, Antiquas Lake, Great Victoria Lake, and of a line to be drawn north from the inner end of the northern bay of the Great Victoria Lake to the intersection of the western limit of the county Montcalm.

Name and  
description of  
second divi-  
sion.

**3.** The second of these divisions shall constitute a corporation under the name of the "corporation of the second division of the county of Pontiac," and shall comprise the whole

of the remainder of the county to the west of the division line above mentioned.

4. The county council of the first division of the county of Pontiac shall continue to be held in the village of Bryson, and that of the second division of the same county shall be held in the village of Ville-Marie. Where county council to sit in each division.

5. From the coming into force of this act, the act 51-52 Victoria, chapter 34, shall be repealed, but all by-laws, *procès-verbaux*, acts of apportionment, ordinances and generally, all orders respecting municipal matters passed by the municipal council of Temiscamingue, shall remain in force in the territories for which they were made, until they have been repealed or amended by competent authority, and all the archives of the said municipality of Temiscamingue shall be remitted to the secretary-treasurer of the second division of the county of Pontiac, who shall be the legal depository thereof, and, as such, may deliver authentic copies or extracts thereof. 51-52 V., c. 34 repealed. Existing *procès-verbaux*, &c.

6. From the coming into force of this act, the local municipalities of the village of Ville-Marie and of the township of Guigues shall continue to be local municipalities under their present respective names, and the township of Duhamel (less the territory which has been detached therefrom to form the village of Ville-Marie) shall also be a local municipality under the name of the "municipality of the township of Duhamel", the township of Laverlochère, until it contains a population sufficient to constitute a local municipality, shall be managed, regulated and governed by the council of the township of Duhamel, in the same manner as if it had been annexed thereto in virtue of the Municipal Code; but the municipal councillors and officers in office for the municipality of Temiscamingue at the time of the coming into force of this act, shall remain in office for the municipality of the township of Duhamel, until the expiration of their term of office or until they are replaced in the manner by law provided. Certain local municipalities continued, &c.

7. Sales of lands for municipal taxes commenced by the council of Temiscamingue shall be continued by the council of the second division of the county of Pontiac as if they had been commenced thereby. Sales of land for taxes.

8. The registry office now established in the village of Bryson shall be and continue to be the registry office of the first division of the county of Pontiac, and the present registrar shall remain in office until removed. Registry office and registrar of first division of county.

Registry  
office and reg-  
istrar of  
second divi-  
sion.

**9.** On and after a day to be fixed by proclamation, a registry office shall be opened and held in and for the second division of the county of Pontiac, in the village of Ville-Marie, and a registrar shall be appointed for that division so soon as a suitable building with a vault or safe in metal shall be furnished by the corporation of the second division of the county of Pontiac, and the registrar shall enter into office on the day fixed by the Lieutenant-Governor in council.

R. S. 72 and  
73, amended.

**10.** Articles 72 and 73 of the Revised Statutes and the tables annexed thereto are amended accordingly.

Laws appli-  
cable.

**11.** All laws in force respecting the registration of the various titles and deeds, and all matters connected therewith, as also those respecting registry offices, registrars and deputy registrars appointed therein, shall apply to the registration divisions established by this act.

## C A P. IX

An act to erect the parish of St. Elie d'Orford, in the county of Sherbrooke, into a distinct and separate municipality.

[Assented to 10th March, 1899]

Preamble.

**WHEREAS** the inhabitants of the parish of St. Elie d'Orford have, by petition, prayed for the erection of the territory comprising the said parish, with the exception of the lots hereinafter excluded, into a distinct and separate local municipality for all municipal purposes, under the name of the municipality of the parish of St. Elie d'Orford, and it is expedient to grant their prayer ;

Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec enacts as follows :

Part of parish  
of St. Elie  
d'Orford  
erected into a  
separate local  
municipality.  
Name.

**1.** The parish of St. Elie d'Orford, as canonically and civilly erected, with the exception of the lots hereinafter excluded, wholly situate in the township of Orford in the county of Sherbrooke, shall hereafter form a distinct and separate local municipality in the county of Sherbrooke for all municipal objects under the name of the "Municipality of the parish of St. Elie d'Orford" and shall constitute a local corporation under the name of the "Corporation of the parish of St. Elie d'Orford."

Territory  
comprised.

The said territory comprises the following : A superficies of about thirty-two thousand six hundred acres of land, as follows to wit : 1. All the lots of the fifth range of the township of Orford from the second to the twelfth, inclu-

sively ; 2. All the lots of the sixth range of the said township from the second to the fourteenth, inclusively ; 3. All the lots of the seventh range of the said township from the second to the sixteenth, inclusively ; 4. All the lots of the eighth range of the said township from the second to the eighth, inclusively, and from the fifteenth to the seventeenth, inclusively, in the same range ; 5. All the lots of the ninth range from the first to the eighth, inclusively, and from the fifteenth to the eighteenth of the same range, inclusively ; 6. All the lots of the tenth range from the first to the ninth, inclusively, and from the sixteenth to the nineteenth, inclusively ; 7. All the lots of the eleventh range from the first to the tenth, inclusively, and from the seventeenth to the twenty-first, inclusively ; 8. All the lots of the twelfth range from the first to the eleventh inclusively, and from the eighteenth to the twenty-third, inclusively ; 9. All the lots of the thirteenth range from the first to the twenty-third, inclusively ; 10. All the reverse lots of ranges A and B of the said township of Orford from the sixteenth to the thirty-third, inclusively.

**2.** The provisions of the Municipal Code shall apply to the municipality hereby erected as well as to the said corporation except when expressly derogated from. Municipal Code to apply.

**3.** The first general election of councillors for the said municipality shall take place at ten o'clock in the morning on the first Monday of April next in the school house situate near the Roman Catholic Church of the parish of St. Elie d'Orford ; and such election shall have the same effect as if it had been held at the time mentioned in article 292 of the Municipal Code ; subsequent elections shall however be held at the date and in the manner set forth in the said Code. When first general election of councillors to be held. Subsequent elections.

**4.** Such first election shall be presided over by a person selected by the majority of the electors present. Who to preside over first election.

The officer presiding at such meeting shall be subject to articles 299, 300, 301, 302, 303, 304 and 306 of the Municipal Code. Certain articles of Municipal Code to apply to him.

**5.** If, within sixty days from the first Monday of April next, such election has not been held, the councillors shall be appointed by the Lieutenant-Governor in Council according to law. Appointment by Lieutenant Governor in Council.

**6.** The elections of mayor shall be held in accordance with article 330 and following of the Municipal Code. Elections of mayor how held.

**7.** The valuation rolls, electoral lists, *procès-verbaux*, assessments, by-laws and other documents, which formerly Existing valuation rolls, &c.

governed the territory above described, shall continue to apply to such territory until they have been amended, repealed or replaced by the council of the said municipality ; and certified copies of such documents relating to the said municipality shall be legal and authentic and shall be evidence of their contents to all intents and purposes.

Coming into force.

**8.** This act shall come into force on the day of its sanction.

### C A P. X

An Act to legalize certain registrations made in the registry office for the registration division of Argenteuil.

*[Assented to 10th March, 1899]*

Preamble.

**W**HEREAS the registrar of the registration division of Argenteuil failed to have a certain register and several indexes for registering deeds and documents in the registry office for the said division initialed and authenticated by the prothonotary of the Superior Court of the district of Terrebonne, as required by articles 2181 and 2182 of the Civil Code ;

Whereas such register and indexes have now been initialed and authenticated by the said prothonotary ;

Whereas it is necessary that the registration and entries made in the said register and indexes be legalized ;

Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

Certain registrations valid.

**1.** All registrations and entries made in the register of the registry office for the registration division of Argenteuil, in which are registered the notices required by articles 2115, 2116, 2121, 2168 and 2172 of the Civil Code, from the 8th day of October, 1860, to the 30th day of December, 1885, both inclusive, are and shall be as valid as if such register had been initialed and authenticated by the prothonotary of the Superior Court of the district of Terrebonne.

Certain other registrations, &c., valid.

**2.** All registrations and entries made, previous to their authentication by the prothonotary of the said district, in the indexes to immoveables of the registry office of the registration division of Argenteuil, for the townships of Grenville and its augmentation, and Harrington, and the municipality of Mille Isles, are and shall be as valid as if such indexes had been previously initialed and authenticated by the prothonotary of the Superior Court of the said district.

**3.** Nothing contained in this act shall affect any cases Certain pending cases not affected. pending, in which the validity of such registration is contested.

**4.** This act shall come into force on the day of its sanction. Coming into force.

## CAP. XI

An Act to render valid certain transfers of the property of successions subject to the duties imposed by article 1191b of the Revised Statutes.

[Assented to 10th March, 1899]

**H**ER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

**1.** All deeds transferring property of a succession which is subject to the duties imposed by article 1191b of the Revised Statutes and its amendments and which duties were not paid at the time of the passing of the said deeds, shall be valid provided such duties have since been paid or shall be paid within sixty days after the coming into force of this act. Validation of certain deeds.

**2.** This act shall not affect pending cases.

Pending cases.

**3.** This act shall come into force on the day of its sanction. Coming into force.

## CAP. XII

An act to render valid certain deeds of transfer of immovables subject to the duty imposed by article 1191a of the Revised Statutes and its amendments.

[Assented to 10th March, 1899]

**H**ER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

**1.** All deeds transferring immovables, subject to the duty imposed by article 1191a of the Revised Statutes and its amendments, which should have been registered within thirty days after they were passed, but which are not yet registered, may be registered, and must, on pain of the absolute nullity of such deeds, be so registered and the Certain deeds if registered ; within certain time declared valid.

Certain other  
deeds also.

duty, then exigible, paid within sixty days after the coming into force of this act, and, if so registered, shall become valid.

All such deeds, which have been registered after the payment of the duty exigible, but after the prescribed delays, are declared valid, and shall have the same effect as if they had been registered within the thirty days.

Pending  
cases, &c.,  
not affected.

2. This act shall not affect pending cases, and shall have no effect if the immoveable in question in the said deed, which has not been registered within the delay required by article 1191a of the Revised Statutes, has since become the property of a third party, or has been affected by any right in favor of a third party under a deed which has or has not been registered.

Coming into  
force.

3. This act shall come into force on the day of its sanction.

### C A P. XIII

An Act to amend article 26 of the Revised Statutes.

[Assented to 10th March, 1899]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

R. S., 26,  
amended.

1. Article 26 of the Revised Statutes is amended by adding at the end thereof the following words "or by any notary."

### C A P. XIV

An Act to amend the law respecting the assistant clerk of the Legislative Council.

[Assented to 10th March, 1899]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

R. S., 88,  
amended.

1. Article 88 of the Revised Statutes is amended by adding thereto the following words "and in the case of the absence or inability of the clerk to act for any reason, he may exercise all his powers either as clerk of the Legislative Council or clerk of the Legislature, and, when acting in place of the clerk of the Legislature, he is known and designated as 'Assistant Clerk of the Legislature.'"

Coming into  
force.

2. This act shall come into force on the day of its sanction.



## CAP. XV

## An Act to amend the Quebec Election Act, 1895.

[Assented to 10th March, 1899]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

1. Section 8 of the act 60 Victoria, chapter 21, is amended : (60 V., c. 21, s. 8, amended.)

(a) By replacing the sixth clause by the following :

"Each revisor shall, during the whole time he occupies the office of revisor, reside in the city for which he is appointed, and shall not vote or be elected or take part in elections, in any of the electoral divisions comprised within the limits of the city for which he acts." Sixth clause replaced. Residence of revisor. Not to vote at elections.

(b) By inserting, after the twelfth clause, the following :

"Every oath under this act may be validly taken before the board of revisors, each of the members thereof or its clerk, or before a commissioner of the Superior Court or a justice of the peace." Clause added after twelfth. Oaths before whom may be taken.

2. Section 12 of the said act is amended by replacing, in the fourth and sixth lines, the word "thirty" by the word "sixty." Id., s. 12, amended.

3. Sections 13 and 14 of the said act are replaced by the following : Id., sec. 13 and 14, replaced.

"13. Such examination and correction take place upon complaint to that effect produced, under either of the two following articles, and not otherwise. Complaint to be produced.

"13a. Any person, who deems himself aggrieved, either by the insertion of his name in the list or its omission therefrom, may, either by himself or through his agent, file in the office of the board of revisors a complaint to such effect, in writing and under oath, within the fifteen days next after the publication of the notice mentioned in article 26 of the said Election Act if it concerns the cities of Quebec and Three-Rivers, and in section 7 of this act if it concerns the city of Montreal. Complaint to enter or remove complainant's name from list.

"13b. Any person, believing that the name of any person entered on the list should not have been so entered, owing to his not possessing the qualifications required for an elector, or that the name of any other person not entered thereon should be so entered, owing to his possessing the qualifications required, may, within a like delay of fifteen days, file in the office of the board of revisors a complaint in writing and under oath, to that effect, attesting that, to the Complaint to enter or remove other person's name from list.

personal knowledge of the deponent, the person whose name he requires to be entered on, or omitted from the list is or is not qualified as an elector.

Public notice  
to be given  
of place, day  
and hour of  
examination.

**"13c.** Before proceeding to any examination or correction of the list of electors, the board of revisors shall cause to be given, through its clerk, public notice of the place where, and day and hour when such examination shall begin. Such notice may specify that the board shall proceed on the distinct days therein mentioned to examine and correct the lists for any ward of the city in question.

Special notice  
and what to  
contain.

Previous to taking into consideration the complaints filed in the office of the board of revisors with respect to the list of electors, the board shall also cause a special notice, signed by its clerk, to be given, containing the names of the persons whose insertion in or omission from the list has been demanded.

Delays after  
notice.

The public notice and special notices required by this section shall be of five days duration.

Notices how  
published.

In the cities of Quebec and Montreal, the notices must be published once in a French newspaper and once in an English newspaper of the city in which the list is prepared; and in the city of Three Rivers they must be given and published or served in the same manner as municipal notices.

Fee of clerk,  
and by whom  
payable.

There is allowed to the clerk of the board of revisors, at the expense of the complainant, a fee of twenty-five cents for each special notice by him given to any person whose name shall neither be added to nor struck from the list by the board of revisors or by the judge if there is an appeal.

Duty of revisors  
in examining or  
correcting  
list.

**"13d.** The board of revisors, in proceeding to the examination, first verifies the correctness and regularity of the proceedings had in preparing the list and draws up a *procès-verbal* thereof, then takes into consideration all the complaints in writing and under oath, relating to the said list, and hears all persons interested and their proof on oath, if necessary.

Decision.

**"13e.** The board of revisors, by its decision on each complaint, may confirm or amend each of the duplicates of the list; then, if necessary, it redivides the list in consequence thereof, according to the polling subdivisions, keeping the alphabetical order of the electors thereon.

Fraudulent  
title.

**"13f.** If, upon sufficient proof, the board of revisors is of opinion that a property has been leased, assigned or made over under any title whatsoever, with the sole object of giving to a person the right of having his name entered on the list of electors, it shall, upon complaint to that effect, in writing and on oath and on evidence under oath, strike the name of such person from the said list.

**" 13g.** Every insertion in, erasure from, or correction of the list in virtue of the two preceding articles shall be authenticated by the initials or *paraphe* of the president of the board of revisors. Initialing, &c., of corrections.

**" 14.** The list of electors, as it then exists, shall come into force at the expiration of the sixty days following the notice given under the above mentioned article 26 of the said Election Act if it concerns the cities of Quebec and Three Rivers, and under section 7 of this act if it concerns the city of Montreal. Coming into force of list after certain delay.

It shall remain in force for two years from the time of its coming into force, and thereafter, until a new list shall have been validly made and put into force. Duration in force.

Notwithstanding the appeal to a judge of the Superior Court touching a portion of the list, such portion of the list shall remain in force until the final decision of the judge before whom the petition in appeal is pending. Appeal not to affect remainder of list.

**" 14a.** Saving, nevertheless, any correction made under article 50 of the said Election Act, every list of electors so put into force, even although the valuation roll, which has served as the basis thereof, be defective or shall have been quashed or set aside, shall, for the whole period during which it remains in force, be deemed the only true list of electors within the territorial division to which it relates. List to remain in force, even if valuation roll set aside.

**" 14b.** So soon as the list of electors has come into force, it shall be the duty of the clerk of the board of revisors to insert at the end of such list, in the duplicates thereof, the certificate prescribed by article 42 of the said Election Act. Certificate upon list when it has come into force.

**4.** Paragraph 9 of article 2 of the Quebec Election Act, 1895, is amended by adding after the word "work-shop," in the sixth line, the word "farm." 59 V., c. 9, art. 2, § 9, amended.

**5.** This act shall come into force on the day of its sanction. Coming into force.

## CAP. XVI

## An Act to amend the Quebec Election Act, 1895.

[Assented to 10th March, 1899]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

59 V., c. 9,  
art. 9, amend-  
ed.

Persons who  
may be enter-  
ed on list.

1. The first clause of article 9 of the act 59 Victoria, chapter 9, is replaced by following:

“9. The following persons, and no others, being males, and who, at the time of the deposit of the list under articles 25 and 26 of this act, are of the full age of twenty-one years, subjects of Her Majesty by birth or naturalization and not otherwise legally disqualified, shall be entered upon the list of electors:”.

Id., § 11, re-  
placed.

Electoral  
franchise of  
certain per-  
sons.

2. Paragraph 11 of article 9 of the said act, as replaced by the act 60 Victoria, chapter 21, section 24, is again replaced as follows :

“11. Persons who reside in the electoral district for a year, and who draw, from their salary or wages, in money or in effects, or from some business, employment, trade or profession, or from some investment, a revenue of least three hundred dollars per annum, or persons who work by the piece in factories and who derive at least three hundred dollars per annum therefrom.”

Id., art. 10,  
replaced.

Who may be  
entered on  
list.

3. Article 10 of the act 59 Victoria, chapter 9, is replaced by the following :•

“10. The persons who are qualified as electors may be entered on the list of electors upon complaint in conformity with articles 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44 and 45, without it being necessary for them to be entered on the valuation roll, which is proof only of the value of the immoveable property.”

Art. 11a add-  
ed to id.

Tenants of  
parts of same  
building.

4. The following article is added to the said act after article 11 :

“11a. When two or more persons, who each pay an annual rent sufficient to qualify them as electors, are tenants or subtenants, under separate leases, of different portions of the same immoveable property which is valued by a single valuation at a sum sufficient for the share of each to confer on him the electoral suffrage, each tenant and subtenant is an elector in accordance with this act, and shall be entitled to be entered on the list of electors.

If the amount at which the immoveable is valued is not sufficient to confer upon the share of each tenant or sub-tenant the electoral franchise, so many, as the amount required to confer such franchise is comprised in the figure of the valuation, shall be entered on the list, commencing with the names of the tenants or subtenants whose leases are the oldest. If all are not qualified.

5. This act shall come into force on the day of its sanction. Coming into force.

## CAP. XVII

An Act respecting the secretary of the Provincial Registrar.

[Assented to 10th March, 1899]

**H**ER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

1. Article 714<sup>a</sup> of the Revised Statutes, as enacted by the R. S., 714<sup>a</sup>, act 55-56 Victoria, chapter 9, is repealed. repealed.

2. This act shall come into force on the day of its sanction. Coming into force.

## CAP. XVIII

An Act to amend the law respecting the Treasury Department.

[Assented to 10th March, 1899]

**H**ER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

1. Article 768 of the Revised Statutes is amended by R. S., 768, replacing all the words after the word "thereon," in the sixth line, by the words "are placed to the credit of the Superintendent of Public Instruction and paid by him as prescribed by the Education Act." amended.

2. Article 782 of the Revised Statutes is amended by R. S., 782, replacing all the words after the words "special account," in the fourth line, by the words "and are placed to the credit of the Superintendent of Public Instruction and paid by him as prescribed by the Education Act." amended.

## CAP. XIX

## An Act to amend the Quebec License Law

[Assented to 10th March, 1899]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

R. S., 828 § 13a, amended. **1.** Paragraph 13a of article 828 of the Revised Statutes, as enacted by the act 54 Victoria, chapter 13, section 1, paragraph 3, replaced by the act 55-56 Victoria, chapter 11, section 1, and amended by the act 58 Victoria, chapter 14, section 1, is further amended by replacing the words "Province of Quebec," in the third line, by the words "Dominion of Canada."

R. S., 828 § 31a, replaced. **2.** Paragraph 31a of article 828 of the Revised Statutes, as enacted by the act 58 Victoria, chapter 14, section 3, is replaced by the following :

Members of clubs.

"31a. To be a *bona-fide* member of a club, within the meaning of this section, a person must have been duly elected by ballot, after his name has been publicly posted up in the club for at least eight days previous to the balloting, and must have paid the entrance fee and all other fees fixed by the rules of the club."

R. S., 843, amended.

**3.** The first clause of article 843 of the Revised Statutes, is amended by adding thereto the following :

Temporary appointments.

"It shall however be lawful for the Lieutenant-Governor in council, in the case of the absence, sickness or other inability to act of all or any of the said judges of the sessions or recorders, to appoint a competent person or persons to temporarily perform such duties."

R. S., 843 § 5, amended.

**4.** Paragraph 5 of article 843 of the Revised Statutes, as replaced by the act 61 Victoria, chapter 14, section 2, is amended by replacing the words : "but not before," in the third line by the words : "and not later than".

R. S., 857b, amended.

**5.** Article 857b of the Revised Statutes, as enacted by the act 54 Victoria, chapter 13, section 9, replaced by the act 55-56 Victoria, chapter 11, section 13, and amended by the acts 56 Victoria, chapter 16, section 8, and 58 Victoria, chapter 14, section 10, is further amended by replacing the words : "Province of Quebec", in the fourth line, by the words "Dominion of Canada".

R. S., 859a, amended.

**6.** Article 859a of the Revised Statutes, as enacted by the act 56 Victoria, chapter 16, section 9, is amended by

adding to the first paragraph thereof, the following words :  
 "If, during such three months, no such certificates have been confirmed, they shall, under a like penalty, be obliged to make a return to that effect."

**7.** Article 876 of the Revised Statutes, as replaced by R. S., 876, the act 55-56 Victoria, chapter 11, section 15, is amended <sup>amended.</sup> by adding thereto the following clause :

"Before the renewal in any year of a powder-magazine <sup>Inspection of</sup> license, issued in accordance with the preceding article, the <sup>magazine,</sup> magazine for which such license is sought shall be inspected <sup>&c.</sup> by an inspector appointed by the Government, the cost of such inspection to be paid by the owner of such magazine, and the renewal of the license shall be in the discretion of the Provincial Treasurer."

**8.** The first clause of article 878 of the Revised Statutes, R. S., 878, as replaced by the act 59 Victoria, chapter 14, section 16, is <sup>amended.</sup> amended by adding thereto the following words : "of which three dollars shall belong to the Crown, and two dollars shall be retained by the collector."

**9.** Subsection 2 of paragraph 9 of article 878 of the Re- <sup>R. S., 878,</sup> vised Statutes, as replaced by the act 57 Victoria, chapter <sup>§ 9, amended.</sup> 13, section 12, is amended by adding, after clause *b* thereof, the following :

"(c.) For three municipalities, other than the cities of <sup>License for</sup> Montreal and Quebec, to be named in the license, one hun- <sup>three muni-</sup> dred and fifty dollars ; and for each municipality beyond <sup>icipalities.</sup> three, forty dollars."

**10.** Paragraph 11a of article 878 of the Revised Statutes, <sup>R. S., 878 §</sup> as enacted by the act 55-56 Victoria, chapter 11, section 16, <sup>11a, replaced</sup> is replaced by the following :

"11a. On each license to sell native wine manufactured <sup>Licenses for</sup> by the vendor : <sup>native wines</sup>

- (a.) In the city of Montreal, eighty dollars ;
- (b.) In the city of Quebec, sixty dollars ;
- (c.) In every other city, forty dollars ;
- (d.) In every incorporated town, twenty-five dollars ;
- (e.) In every village, fifteen dollars ;
- (f.) In any other part of the Province, ten dollars."

**11.** Paragraphs 20, 21 and 22 of article 878 of the Re- <sup>R. S., 878 §§</sup> vised Statutes, as enacted by the act 54 Victoria, chapter 13, <sup>20, 21 and 22,</sup> section 12, and amended by the act 55-56 Victoria, chapter <sup>replaced.</sup> 11, section 16, are replaced by the following :

"20. On each license for a billiard-table, bagatelle, pigeon- <sup>Billiard-</sup> hole, or mississippi-board twenty-five dollars." <sup>table, &c.,</sup> <sup>licenses.</sup>

R. S., 878a,  
amended.

**12.** Article 878a of the Revised Statutes, as enacted by the act 59 Victoria, chapter 14, section 17, is amended by adding thereto the following clause:

Explanatory.

"The present article does not relieve the applicant for a license from the obligation of taking out such license before opening his place of business, but simply enacts a supplementary duty upon licenses issued after the 25th of June in any year, independently of the legal penalties to which such applicant is liable during the interval which may elapse between the date of the opening of his place of business and the taking out of his license."

Art. added to  
R. S., after  
908.

**13.** The following article is added after article 908 of the Revised Statutes :

Further re-  
course for  
penalty  
against un-  
licensed ven-  
dors of intox-  
icating liq-  
uors.

"**908a.** Independently of any other recourse provided for by this section against unlicensed vendors of intoxicating liquors, any person not licensed under this section for the sale of such liquors, who at any time during which he does not hold a license therefor, keeps a bar open to the public for the sale of such liquors, or exposes the same for sale in a shop or place of business, is liable to a fine of twenty-five dollars for each day during which he keeps such bar or exposes such liquors, and, in default of the payment of such penalty, shall be liable to an imprisonment for a period of two months ; and the keeping of any such bar or intoxicating liquors so exposed shall be prima facie evidence that the liquors thus kept or exposed are so kept for purposes of sale, without it being necessary to prove any sale thereof."

Art. added to  
R. S., after  
921a.

**14.** The following article is added after article 921a of the Revised Statutes, as enacted by the act 54 Victoria, chapter 13, section 23 :

Infringe-  
ments of con-  
stitution &c.,  
by clubs.

"**921aa.** Every club licensed under article 857 for the sale of intoxicating liquors, in which such liquor is sold in contravention of the constitution, rules and regulations of such club which were submitted to the Provincial Treasurer previous to the granting of such license, is liable to the penalty prescribed by article 926."

R. S., 925a,  
amended.

**15.** Article 925a of the Revised Statutes, as enacted by the act 54 Victoria, chapter 13, section 27, and amended by the act 55-56 Victoria, chapter 11, section 23, is further amended by adding, after the word "law" in the fourth line, the words "or the conditions under which such license was granted".

R. S., 936,  
amended.

**16.** Article 936 of the Revised Statutes is amended by replacing the word "felony," in the third line, by the words "any indictable offence".



**17.** Article 942 of the Revised Statutes is amended by R. S., 942, inserting, after the words "collector of Provincial revenue," amended. in the second line thereof, the words "or his deputy".

**18.** The following article is added after article 945 of the Revised Statutes :

Art. added to R. S., after 945.

**"945a.** The penalty imposed by the first paragraph of the preceding article is equally incurred by any one who sells by auction and by outcry, as the assistant, agent, servant or partner of a licensed auctioneer, without being the holder of an assistant auctioneer's license, provided for by paragraph 14 of article 878 of these Revised Statutes."

Penalty on assistant auctioneers, &c.

**19.** The following article is added after article 1030 of the Revised Statutes :

Art. added to R. S., after 1030.

**"1030a.** For all matters pertaining to this section, the county of Berthier shall form part of the district of Richelieu for judicial purposes, and the county of Verchères shall form part of the district of Montreal for the said purposes."

Annexation of counties to districts for purposes of License Law.

**20.** Article 1035 of the Revised Statutes, as amended by the act 59 Victoria, chapter 14, section 32, is further amended by replacing the words and figures "articles 887 to 889" in the fourth line, by the words and figures "articles 1150 to 1162."

R. S., 1035, amended.

**21.** The following article is added after article 1042 of the Revised Statutes :

Art. added to R. S., after 1042.

**"1042a.** If, in any prosecution instituted under this section, any stay of proceedings or postponement of the trial or hearing is applied for on behalf of the defense, such stay or postponement shall be granted only if the costs of the day are previously paid by the defense, which costs shall include a fee of three dollars to the prosecuting attorney."

Provisions respecting postponement of trial, &c.

**22.** Article 1074 of the Revised Statutes, as amended by the act 53 Victoria, chapter 17, section 1, is further amended as follows :

R. S., 1074, amended.

(a.) By replacing the word "thirty" in the fourth line of paragraph 5, by the word "fifty";

(b.) By replacing the second clause of said paragraph 5 by the following :

"The writ of *certiorari* or prohibition shall be applied for within eight days after the date of the judgment, and with such application must be deposited the full amount of the fine and costs, in addition to the sum above mentioned ; and the proceedings thereupon shall be summary and proceed from day to day."

Delays within which *certiorari*, &c., to be applied for, and sum to be paid in therewith.

Art. added to R. S., after 1080. **23.** The following article is added after article 1080 of the Revised Statutes :

Application of Art. 1080. **" 1080a.** The provisions of the foregoing article apply only in the case of a first contravention of the requirements of this section.

No remission for second offences, &c. No fine imposed upon the same person for any subsequent contravention, of whatsoever nature, of the provisions of the said section; shall be remitted or refunded.

What portion of fine may be remitted. The first time a person is convicted of any contravention of this section, the whole of the Crown share of the fine to which such person is condemned may be remitted or refunded for reasons judged valid by the Lieutenant-Governor in Council; but in no case shall the costs of the prosecution or any other portion of the fine be remitted.

R. S., 825, not apply to penalties under License Law. The power to remit certain penalties, conferred upon the Lieutenant-Governor in Council by article 825 of the Revised Statutes, does not apply to penalties imposed under this section."

Coming into force. **24.** This act shall come into force on the day of its sanction.

## C A P. X X

An Act to amend the law respecting public lands.

[Assented to 25th February, 1895]

**H**ER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

R. S., 1276, amended. **1.** Article 1276 of the Revised Statutes is amended by adding thereto the following clause :

Effect of registration of the transfer. "The registration of a transfer in virtue of this article shall not have the effect of exempting the transferee from fulfilling all conditions of sale to which the original acquirer was bound."

Application of preceding section. **2.** The preceding section shall apply to the registration of transfers under article 1276 of the Revised Statutes effected before the coming into force of this act, but shall not affect pending cases.

R. S., 1286, replaced. **3.** Article 1286 of the Revised Statutes is replaced by the following :

Notice of cancelling of sale. **" 1286.** No cancellation of any sale or of any grant, location or permit of occupation of public lands shall, however, be made before a notice is given once in the *Quebec Official*

*Gazette* indicating the lots subject to cancellation and mentioning that the cancellation shall take place at any time after the thirtieth day following the posting of the notice in conformity with article 1287."

4. Every revocation of a sale, grant, location or permit of occupation effected, before the coming into force of this act, under article 1283 of the Revised Statutes, after a notice setting forth that the cancellation was to take place sixty days after the posting of the notice, is declared valid, notwithstanding that a fixed date for such cancellation was not mentioned in the said notice.

Validation of certain cancellations.

2. This section shall not affect pending cases.

Pending cases.

5. Article 1336 of the Revised Statutes is replaced by the following :

R. S., 1336, replaced.

"1336. Such notice shall contain a description of the limits to be sold and their situation ; and there shall also be deposited in the Department of Lands, Forests and Fisheries, or in the office of the timber agent for the locality in which such sale is to take place, a plan of the territory in which such limits and those adjoining them are situated.

What notice shall contain. Plan to be deposited.

Such plan shall remain open to public inspection during the whole period which elapses between the publication of the notice and the day fixed for the sale.

To be open to inspection.

The person presiding over the sale shall at the hour thereof make known the upset price fixed for each limit by the Commissioner after it has been explored and valued approximately by the Department."

When upset price to be declared.

6. This act shall come into force on the day of its sanction.

Coming into force.

## C A P. XXI

An Act to amend the law respecting public lands.

[Assented to 10th March, 1899]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

1. Every notice given, before the coming into force of this act, under the authority of articles 1286 and 1287 of the Revised Statutes, announcing that the revocation of a sale, grant, location or permit of occupation of public lands shall be made sixty days after the posting of the notice, is declared valid, notwithstanding that a fixed date for such revocation

Certain notices declared valid.

was not mentioned in such notice, and the Commissioner may carry out the revocation at the expiration of the delay fixed in such notice, without being obliged to give a new notice.

R. S., 1287, amended. **2.** Article 1287 of the Revised Statutes is amended by replacing the word "notice" in the third line by the word "notice, signed by the Commissioner or the Assistant-Commissioner".

R. S., 1288, amended. **3.** Article 1288 of the Revised Statutes is amended by replacing, in the first line, the word "sixty" by the word "thirty".

R. S., 1289, amended. **4.** Article 1289 of the Revised Statutes is amended by replacing, in the first line, the word "sixty," by the word "thirty".

Coming into force. **5.** This act shall come into force on the day of its sanction.

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## CAP. XXII

An Act to amend the law respecting the protection of forests against fire

[Assented to 25th February, 1899]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

R. S., 1345, amended. **1.** The second clause of article 1345 of the Revised Statutes is replaced by the following :

Exception for clearings between certain dates. "It however shall be permitted for the purpose of clearing lands at any time, except between the fifteenth day of June and the fifteenth day of September in each year."

Article added to R. S., after 1345. **2.** The following article is added to the Revised Statutes after article 1345 :

Power to prohibit setting fires during drought, &c. "**1345a.** In the event of a continued drought, between the fifteenth day of September of any year and the fifteenth day of June in the following year, the Commissioner is empowered to prohibit the setting of fires for the purpose of clearing lands during said drought ; and he may also, between the fifteenth day of June and the fifteenth day of September, in any year, after heavy rains, allow the setting of fires, for the same purpose."

R. S., 1353b, amended. **3.** Article 1353b of the Revised Statutes, as enacted by the act 58 Victoria, chapter 19, section 2, is amended by

replacing the words : “ between the first day of July and the first day of September,” in the ninth line, by the words : “ between the fifteenth day of June and the fifteenth day of September.”

4. This act shall come into force on the day of its sanc- Coming into  
force.  
tion.

## CAP. XXIII

### An Act respecting Fisheries and Fishing

[Assented to 25th February, 1899]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

1. Section seventh of chapter sixth of title fourth of the R. S., arts.  
Revised Statutes, comprising articles 1374 to 1395, inclu- 1374 to 1395,  
sively, as well as the laws amending the same, is repealed replaced.  
and replaced as follows :

### “SECTION VII

#### FISHERY ACT

#### § 1.—*Interpretative provisions*

“ 1374. This act may be designated and cited as the Name of act.  
‘ Quebec Fisheries Act.’

“ 1374a. The following words, wherever used in this sec- Interpreta-  
tion or in the regulations or instructions under the provisions tion :  
thereof, have the-signification hereinafter assigned to them :

1. The words “ provincial waters ” mean and include the Provincial  
seas, gulfs, bays, rivers, lakes and water-courses within the waters ;  
limits of the Province of Quebec over which this Legislature  
has jurisdiction, or which belong to the Province, whether  
they are or are not under lease or license :

2. The word “ Commissioner ” means the Commissioner Commission-  
of Lands, Forests and Fisheries. R. S. Q., 1236 ; 60 V., c. or ;  
22, s. 10.

3. The words “ fishery overseer ” designate every person Fishery over-  
invested with the powers of such office. R. S. Q., 1374. seer ;

4. The words “ lease ” or “ fishing lease ” designate the Lease, fishing  
deed of lease of lands bordering on or enclosing non-navi- lease ;  
gable waters, for the purpose of rod and line fishing on the  
said waters.

They also designate the deed of lease for the same purpose of the navigable portion of a salmon river whereof a part is not navigable.

License ;

5. The words "license" or "fishing license" designate the title conferring the right to fish and to carry on fisheries in the portions of the navigable or non-navigable waters therein described, by means of lines, nets, seines and other apparatus or instruments not prohibited by law or the regulations.

Special license.

6. The words "special license" designate the authorization conferring, upon a person not domiciled in the Province, the right to fish in the waters of the Province in conformity with the law and regulations.

### § 2.—Fishing

Line fishing and rod and line fishing.

" 1375. Line fishing and rod and line fishing are alone permitted in navigable waters, and rod and line fishing only is permitted in the non-navigable waters of the Province.

Licenses for all other manner of fishing. Residents do not require license.

For any other mode of fishing a license under article 1391 is required.

Strangers require license.

2. Persons having their domicile in the Province do not require licenses to angle in the waters of the Province which are not under lease.

3. Any person, not having his domicile in the Province, who desires to fish therein, must, before beginning to fish, procure a special license to that effect from the Commissioner or from any person authorized for that purpose.

Fee required.

The fee required is determined, in each case, by the Commissioner, but shall never be less than ten dollars. R. S. Q., 1378, §§ 1, 2, 3.

Duration of license.

4. Licenses are valid only for the time, place and persons therein indicated. R. S. Q., 1378, § 4.

### § 3.—Fishing leases and licenses

#### I. —GENERAL PROVISIONS

Leases and licenses for nine years may be issued by Commissioner.

" 1376. The Commissioner may, wherever the exclusive right to fish does not exist, grant leases authorizing fishing in the non-navigable rivers and lakes in the Province, or issue licenses authorizing fishing in the waters of the Province, for a term not exceeding nine years.

For longer time to be issued under order in council.

Leases or licenses for a longer time, but not exceeding fifteen years, are granted or issued only under the authority of the Lieutenant-Governor in Council. R. S. Q., 1375 ; R. S. C., c., 95 s. 4.

Control of fishing rights by the Commissioner for

" 1377. The Commissioner may, with the consent of the owners and for the purposes of management only, assume the control of fishing rights pertaining to granted lands

situate along any of the provincial waters, with a view of giving them greater value, or of leasing the same or of issuing licenses respecting the same, as the case may be, in conjunction with those pertaining to ungranted lands along such waters. R. S. Q., 1377, § 1. the purpose of administration.

“1378. Tenants and licensees shall comply with the federal and provincial laws and the regulations from time to time made by the Governor in council or the Lieutenant-Governor in council, and also with the conditions and restrictions of their leases or licenses. Conditions imposed upon tenants and licensees.

#### II.—FISHING LEASES IN NON-NAVIGABLE RIVERS AND LAKES

“1379. Sales and gratuitous grants of lands belonging to the Crown are subject to a reserve, for fishing purposes, of three chains in depth of the lands bordering on non-navigable rivers and lakes in the Province. Reserve for fishing purposes.

The Commissioner may, however, reduce the depth of the said reserve, or renounce thereto, in the case of sales of islands and of lands of small extent or when he may consider it in the public interest. Depth may be reduced, &c.

Such lands, as well as these already reserved for that purpose, may be leased in the manner provided by article 1376. R. S. Q., 1375, §§ 1. 2. Lease of such lands.

When a salmon river is partly navigable and partly non-navigable, the navigable portion thereof may be leased with the non-navigable portion or by a separate lease. Salmon river in part navigable.

“1380. The leases of lands conferring fishing rights are made in the name of one person or of a club incorporated under a special charter or under section second of chapter fifth of title eleventh of these Revised Statutes respecting clubs for the protection of fish and game. R. S. Q., 1376, § 4. Leases of lands conferring fishing rights to whom granted.

“1381. If, in consequence of any incorrectness in the survey, or other errors or causes whatsoever, it be discovered that a lease includes lands already comprised in a lease of a prior date, the lease last granted is null in so far as it concerns such lands; and the holder or possessor of such lease thus annulled in part shall have no right to claim an indemnity or compensation for the fact that his lease has become partially null. R. S. Q., 1376, § 1, *in fine*. Nullity of lease of lands, if comprised in one already granted.

“1382. The rent shall be paid in advance, and any lessee who fails so to pay in advance shall not have a right to the renewal of his lease. R. S. Q., 1376, § 7, *pari*. Payment of rent.

“1383. The lease confers upon the lessee, for the time therein determined, the right to take and retain exclusive Rights of lessee.

possession of the lands therein described, subject to the regulations and restrictions which may be established, and gives him the exclusive right to fish in the waters fronting on such lands in conformity with the provincial and federal regulations, then in force, and also to prosecute in his own name any illegal possessor or offender against any provision of this act, and to recover damages, if such exist, but not against any person who may pass over such lands or the adjacent waters, or who engages in any occupation not inconsistent with the provisions of this section, nor against the holder of a license to cut timber, who has, at all times, in accordance with his license, the right to cut and remove trees, lumber and sawlogs and other timber, within the limits of his license, and, during the term thereof, to make use of any floatable river or water-course, or of any lake, pond or other body of water and the banks thereof for the conveyance of all kinds of lumber and for the passage of all boats, ferries and canoes required therefor, subject to the charge of repairing all damages resulting from the exercise of such right.

Right of passage reserved for certain purposes.

The general right of passage to and from the water shall also be reserved in leases in favor of the occupants, if any, under title from the Crown, of lands immediately in rear of those leased. R. S. Q., 1376, § 2.

Confiscation of fish caught without permission of lessee, &c.

**"1384.** If any person, without the permission of the lessee, or his representatives, fishes or causes any other person to fish, or assists him in fishing in waters in front of land leased, he shall not acquire any right to the fish so caught, which may be forfeited and become the absolute property of the lessee, and such person shall therefor be liable to the fine or the imprisonment mentioned in article 1394 m. R. S. Q., 1376, § 3.

Reserve of lakes in new townships, &c.

**"1384a.** The Lieutenant-Governor in Council shall reserve, in each new township, one or more lakes or rivers in which the residents of such township may freely fish for the subsistence of themselves and their families only, by complying with the laws in force on the subject, and such reserve shall continue to exist until the lands bordering on such lakes or rivers shall be sold. R. S. Q., 1376, § 3.

Guardians to be appointed by lessees.

**"1385.** Each lessee shall be bound to establish and maintain, in the territory covered by his lease, an efficient guardianship, to secure a complete protection of the fishery rights belonging to him.

Responsibility of lessees for damage, &c.

He shall further be answerable for damages caused, by himself or by the persons under his control, to the timber growing on said territory, or on the adjoining territory, either from waste or from want of sufficient precaution in lighting, watching over or putting out fires; and it shall be



incumbent on him, in case of damage done by fire, to prove that all necessary precautions have been taken. R. S. Q., 1376, § 5.

**"1386.** Excessive or wasteful fishing or fishing during prohibited seasons shall also involve the cancellation of the lease covering the waters in which it has taken place, with the knowledge or participation of the lessee. Revocation of leases in certain cases.

The lessee, who has been so guilty, shall not obtain another lease or license to fish within the limits of the Province, during the five years which follow such cancellation of lease. R. S. Q., 1376, § 8. Effect of revocation.

**"1387.** No lessee or his representative shall have the right to sublet any privilege granted him under the provisions of this section, without first notifying the Department of Lands, Forests and Fisheries, and receiving the written consent of the Commissioner or of some other person authorized to give such consent. Subletting not allowed, except upon permission.

For receiving any such transfer a fee of not less than ten dollars shall be exacted. R. S. Q., 1376, § 9. Fee on transfer.

**"1388.** The lease of any person convicted of an infringement of this section or of any regulation under it, may be annulled by the Commissioner. R. S. Q., 1376, § 7 *in fine*. Revocation of leases in certain cases.

**"1389.** The lessee shall be obliged to transmit to the Department of Lands, Forests and Fisheries, on or before the first of January following the close of an angling season, a statement of the number and weight of fish caught in the waters affected by such lease. R. S. Q., 1376, § 6. Annual return to Department by lessee.

Any default to transmit such statement within the prescribed time, or the transmission of a false or inexact statement, renders the lessee liable to the penalty prescribed by the preceding article. Penalty if return not made, &c.

**"1390.** Whenever any lease of lands previously under lease to any person is granted to another person, the new lessee shall be bound to indemnify the previous lessee for the real value of the buildings or useful improvements existing on the leased land, which must not exceed the cost of the buildings or improvements which he would have to make for his own use during the existence of his lease. Indemnity to be paid by new lessee to former lessee.

Such value, in case of difference of opinion, is definitively fixed and determined by the Commissioner, and the new lessee shall not be entitled to receive his lease until he has furnished proof that he has so indemnified the previous lessee, provided that the latter has sent in his claim to the Commissioner within a delay of one month after notice on behalf of the new lessee so to do. R. S. Q., 1376, § 1. *part.* How value to be fixed, &c.

## III. — FISHING LICENSES IN PROVINCIAL WATERS

Rights conferred by license.

**"1391.** A fishing license confers on the holder the exclusive right of fishing in every manner authorized by law, within the limits therein described, but does not prevent third parties from taking bait there for cod fishing, or from angling for other purposes than for trade. R. S. C., c. 95, s. 14, § 1, *in part*.

Payment for licenses.  
Forfeiture of license.

**"1392.** Licenses must be paid for in advance. Any licensee, found guilty of a violation of this act, or of any regulation made thereunder, shall be liable to forfeit his license. R. S. C., c. 95, s. 21, § 3.

Penalty for fishing, &c.; without permission.

**"1393.** Saving the provisions of article 1391, every one who fishes for, takes or kills fish in any water, or along any beach, or within any fishing limits described in any license, or who places, uses or keeps therein any fishing gear or apparatus, without permission from the licensee or who disturbs or injures any fishery, shall be liable to a fine not exceeding one hundred dollars and costs and, in default of payment, to imprisonment not exceeding two months, and the fishing apparatus so used and all fish so taken shall be confiscated. R. S. C., c. 95, s. 14, § 1 *in part*.

Disputes as to fishing limits.

**"1394.** Disputes relative to fishing limits or claims to fishing stations, or relative to the position of nets or other fishing apparatus shall be settled by the local fishery overseer. R. S. C., c. 95, s. 17, § 5.

Distance between fisheries, and removal of apparatus.

**"1394a.** Any fishery overseer may determine or prescribe the distance between every fishery, and may forthwith remove any fishing apparatus which the owner neglects or refuses to remove; and such owner shall moreover be guilty of an infringement of this section and shall be responsible for the cost of removing such fishing apparatus. R. S. C., c. 95, s. 14, § 11.

§ 4.—*Salmon fisheries*

Licenses not to be issued for salmon within certain distance of certain rivers.

**"1394b.** No fishing license authorizing fishing for salmon shall be issued unless at a distance of five hundred yards, measured in a straight line, from the mouth of any river or water-course up which salmon go to spawn. *See* R. S. C., c. 95, s. 8, § 10.

Definition of tidal boundary, &c.

**"1394c.** The Commissioner or any person authorized by him for that purpose may, for the purposes of this section, define the tidal boundary of estuary fishing for each river; and he shall not issue any license authorizing fishing for salmon in such estuaries.

No license to fish salmon in such estuaries.

The Lieutenant-Governor in Council may, however, permit Exception. the granting thereof for such estuaries of rivers as he may deem expedient to indicate. R. S. C., c. 95, s. 8, § 6 in part.

**1394cc.** The Commissioner may cause to be prepared and Maps of estu-  
certified a map of the estuary of each river upon which shall aries.  
be established the limits of the estuary as also the limits of  
five hundred yards, on each side of the river.

Such plan, when certified by him, shall definitively estab- Effect of map.  
lish such limits and shall admit of no proof to the contrary.

### § 5.—*Oyster-beds*

“ **1394d.** The Commissioner may grant licenses for any Licenses for  
term of years, not exceeding fifteen, to any person who wishes oyster-beds.  
to plant or form oyster-beds in provincial waters; and the  
holder of any such license shall have the exclusive right to Privileges of  
the oysters produced or found in such oyster-beds within licensees.  
the limits of such license.

Whoever fishes in such limits, or who makes use of any Penalty for  
fishing apparatus therein whilst the said license is in force fishing with-  
without the written permission of a fishery overseer, or of out permis-  
the licensee, shall be liable to a fine not exceeding two sion.  
hundred dollars and costs, and, in default of payment, to  
imprisonment not exceeding four months. R. S. C., c. 95,  
s. 21, § 4.

### § 6.—*Shell Fish*

“ **1394e.** Shell-fish fisheries and the issue of licenses Licenses for  
relative to such fisheries, are subject to the provisions of shell-fish, &c.  
this section and to the regulations made thereunder. R.  
S. C., c. 95, s. 21, § 7.

### § 7.—*Waters reserved for the propagation of fish*

“ **1394f.** The Commissioner may authorize the reserving Reserve for  
or leasing of any river or other water for the natural or natural or  
artificial propagation of fish; and every person who wilfully artificial  
destroys or injures any place so set apart or leased, or who propagation  
fishes therein without written permission from the Commis- of fish.  
sioner, from any person by him authorized or from the lessee,  
or who uses therein any fishing apparatus during the period  
for which such waters are so set apart or leased, shall be liable  
to a fine not exceeding two hundred dollars and costs,  
and, in default of payment, to imprisonment not exceeding  
four months. R. S. C., c. 95, s. 21, § 1; 57-58 V. C.,  
c. 51, s. 10.

§ 8.—*Use of vacant property for fishery purposes*

Use of vacant property for fishery purposes, &c.

"1394g. Every person who has a right to fish may use vacant public property, such as by law is common and accessory to public rights of fishing, for the purpose of landing, salting, curing and drying fish, and may cut wood thereon for such purposes; and no other person shall occupy the same station unless it has been abandoned by the first occupier for twelve consecutive months; and, at the expiration of that period, any new occupier shall pay the value of the flakes, stages and other apparatus thereon of which he takes possession, or the buildings and improvements may be removed by the owner. R. S. C. c. 95, s. 22, *in part*.

§ 9.—*Fishways*

Fishways to be provided at dams, &c.

"1394h. Every dam, slide or other obstruction across or in any provincial waters, shall be provided by the owner or occupant with a fishway, where the Commissioner determines it to be necessary, and such fishway shall be maintained in good order.

Commissioner to notify place therefor, &c.

The place, form and capacity of the fishway may be prescribed by notice in writing by the Commissioner or by any person under instructions from him. R. S. Q., 1377a; 58 V., c. 20, s. 2; 60 V., c. 22, s. 18.

Fine for violating provisions of preceding article.

"1394i. Every one who violates the provisions of the preceding article shall incur a penalty of four dollars for each day during which the dam, slide or other obstruction remains unprovided with a fishway, three days after a notice in writing to the owner or occupant thereof, has been given by the Commissioner or by any person acting under his instructions. R. S. Q., 1377b; 58 V., c. 20, s. 2.

When fishways to be kept open.

"1394j. Fishways shall be kept open and unobstructed, and shall be supplied with a sufficient quantity of water to fulfil the purposes of this paragraph during such times as may be required by the Commissioner, or any person acting under his instructions. R. S. Q., 1377c; 58 V., c. 20, s. 2; 60 V., c. 22, s. 18.

Penalty for injuring fishways.

"1394k. No person shall injure or obstruct any fishway or do anything to deter or hinder fish from entering or ascending or descending the same, or injure or obstruct any authorized dams, under a penalty for each offence of not less than two dollars nor more than twenty dollars and costs, and, in default of payment, an imprisonment of not less than two days nor more than ten days, over and above all damages resulting therefrom. R. S. Q., 1377d; 58 V., c. 20, s. 2.

§ 10.—*Regulations*

**"1394l.** The Lieutenant-Governor in Council may, at any time, make, amend and repeal regulations, not inconsistent with the provisions of this section, for the following purposes :

Regulations  
by Lieuten-  
ant-Gover-  
nor in Coun-  
cil.

(a) Granting leases and licenses and for defining the rights and duties conferred and imposed thereby ;

(b) Defining the powers and duties of the superintendent general, the inspector general and fishery overseers and other officers which are not determined by law ;

(c) The manner of effecting the sale of articles seized under this section or under any regulations made thereunder ;

(d) And generally, for all purposes necessary for carrying this section into effect.

2. Such regulations shall come into force from and after the date of their publication in the *Quebec Official Gazette*.  
R. S. C., c. 95, s. 16 ; R. S. Q., 1377, § 2.

When they  
come into  
force.

§ 11.—*Fines, confiscations and prosecutions*

**"1394m.** Except when otherwise provided, every one who violates any provision of this section, or of the regulations under it, shall be liable, for a first offence, to a fine not exceeding twenty dollars in addition to the costs, and, in default of payment, imprisonment for not less than eight days nor more than one month ; for a second offence, to a fine not exceeding forty dollars in addition to the costs, and, in default of payment, imprisonment for not less than fifteen days, nor more than two months ; and, for the third and every subsequent offence, to a fine not exceeding sixty dollars, in addition to the costs, and in default of payment, imprisonment for not less than thirty days, nor more than three months.

Penalty for  
offences.

If it appears to the convicting magistrate that the offence was committed through ignorance of the law, and that the fine is too great owing to the poverty of the defendant, he may exercise a discretionary power. R. S. C. c. 95, s. 18, § 1 ; 57-58 V. C. c. 51, s. 18 ; R. S. Q., 1380.

Discretionary  
power of mag-  
istrate in  
certain cases.

**"1394n.** The whole of the fine belongs in each case to the person obtaining the conviction. R. S. Q., 1381.

Fine to belong  
to prosecutor.

**"1394o.** All vessels, boats, canoes, crafts, rafts, vehicles of any description whatever, nets or other fishing appliances, used in violation of this section or any regulation under it, and all fish taken or kept in violation of the said section or regulations thereunder, may be confiscated to Her Majesty, (saving the rights of lessees under article 1384), by any fishery

Confiscation  
of vessels. &c.

overseer or taken and removed by any person for delivery to any fishery overseer. R. S. C. c. 95, s. 18, § 3; 57-58 V., C., c. 51, s. 8, *in part*.

Powers of certain naval officers, &c., as justices of the peace.

"**1394p.** Subject to regulations by and instructions from the competent authority, every fishery officer of Canada, or commissioned officer of Her Majesty's navy, on board of any vessel belonging to or chartered by the Government of Canada, and employed in the service of protecting fisheries, and every commissioned officer of Her Majesty's navy serving on board of any vessel cruising or being in provincial waters, may, for the purpose of putting into execution this section and the regulations thereunder, exercise the powers of a justice of the peace and of a fishery overseer, without being called upon to comply with any of the conditions required of justices of the peace.

Application of certain articles to them.

2. Articles 2568, 2569, 2570 and 2571 of the Revised Statutes shall apply to the acts and proceedings of such officers. R. S. C. c. 95, s. 17, § 7.

Every infringement a separate offence.

"**1394q.** Any infringement at any time of any provision of this section, or of any regulation made under its authority, is a distinct contravention and may be punished accordingly. R. S. Q., 1379.

Use of nets, &c. in violation of act for more than one day, a separate offence for each day, &c.

"**1394r.** Should any nets or other fishing apparatus be set or used in violation of this section or of the regulations thereunder for more than one day, it shall constitute a distinct offence for each day; and should any other violation of the said section or regulations continue for more than one day, then each day shall constitute a separate offence. R. S. C., c. 95, s. 18 §7; 57-58 V., C., c. 51, s. 9.

Where suits may be instituted in certain cases.

"**1394s.** When an offence against the provisions of this section or of the regulations made under its authority is committed on or near the waters serving as the limits between several counties or several judicial districts or fishery divisions, such offender may be prosecuted before any magistrate having jurisdiction over one of such districts or divisions, or before any fishery overseer for any one of such districts or divisions. R. S. Q., 1395.

Limitation of suits.

"**1394t.** The suit for the recovery of fines must be taken within six months, counting from the day when the contravention took place. R. S. Q., 1384.

Prosecutions summarily taken, &c.

"**1394u.** All prosecutions under this act may be summarily taken, heard and decided, on complaint before a magistrate having jurisdiction in the locality where the offence was committed. R. S., 1382.

In all suits under this act, the magistrate has jurisdiction Jurisdiction even when questions of title to lands, tenements, or hereditaments are raised. of magistrate.

**"1394v.** There shall be an interval of three days between the service and the return of the summons to a defendant for the first five leagues, and one day more for every additional five leagues or fraction of five leagues of distance between the place where the summons is dated and that in which the service takes place. Delay upon summons.

When it is expedient to proceed without delay against a defendant, any magistrate may issue a writ of summons returnable immediately to compel the defendant to appear before him without delay, or he may issue at the same time as the writ of summons, a warrant of arrest against the defendant. R. S. Q., 1883. Proceedings in cases of urgency.

**"1394z.** No proceedings shall be dismissed, nor any condemnation annulled, by reason of any defect in form. Defects in form.

No warrant of arrest or imprisonment shall be annulled by reason of irregularity if it be therein alleged that the person was found guilty, and if there be good and valid reason to justify such condemnation. R. S. Q., 1886. Irregularities in warrants, &c.

**"1394y.** The forms of proceedings, summonses and notices, made use of under this section and under the regulations thereunder, may be according to the forms A, B, C, D, and E, of the annexed schedule, or in any other form to the same effect; in other respects, the laws relating to summary proceedings before justices of the peace apply to cases provided for by this section. R. S. Q., 1887. Forms.

**"1394z.** The fishery overseer, when the judgment has been obtained through his intervention, shall, within a delay of five days after the judgment, make a report to the Commissioner. R. S. Q., 1885. Report of judgments to Commissioner.

## § 12.—*Fishery Officers and Districts*

**"1395.** The game superintendent general and the game inspector general shall perform the duties of superintendent and inspector of fisheries for the whole Province. Duties of superintendent and inspector of fisheries by whom performed.

These two officers are *ex officio* justices of the peace for the whole Province, and they also have in each fishery district the same powers as fishery overseers. R. S. Q., 1413; 60 V., c. 25, s. 4. Powers and duties of officers.

**"1395a.** The Commissioner may, if he considers it expedient for the better protection of fisheries, divide the Province into fishery divisions, and may appoint a fishery Division of Province into fishery divisions.

overseer for each division, whose duties and functions are defined by this section, by regulations made thereunder, and by instructions from the Commissioner. R. S. Q., 1388.

**Remuneration, &c., of officers, and how fixed and paid.** "1395b. The remuneration of such fishery overseers, and of all other persons specially employed to perform any duty imposed by this section or by the regulations thereunder shall, if required, be determined by the Commissioner by commission or otherwise, and, in either case, it shall be paid out of the revenue arising from the operations of this section. R. S. Q., 1389.

**Overseers and their appointment.** "1395c. The Commissioner may, upon the recommendation of lessees or licensees of fishing rights, or without such recommendation if none is made, or if their recommendation be not acceptable, appoint as many overseers as he may deem necessary for the effectual protection of the fisheries in provincial waters under lease and license.

**Oath and duration of services.** Such overseers shall be sworn to the faithful discharge of their duties in enforcing the execution of the provincial laws and regulations in force, and they shall be employed for such length of time as the Commissioner shall consider necessary.

**Payment.** Their services shall be paid by the lessees and licensees. R. S. Q., 1390.

**Ex officio officers.** "1395d. Agents and subagents of Crown lands and forests, wood-rangers and their superintendents, and game-keepers, appointed by the Commissioner, are *ex officio* fishery overseers while in office, each for the division confided to his superintendence.

**Local overseers.** The Commissioner may also appoint such local fishery overseers as he may deem necessary, and they shall not have any right to salary for such service. R. S. Q., 1391.

**Powers as justices.** "1395e. Every fishery overseer shall have all the powers of a justice of the peace in his division, as well for the purposes of this section as for those which may concern the efficient execution of the laws and regulations within the limits of such division. R. S. Q., 1392.

**Conviction on view.** "1395f. Every fishery overseer or other magistrate may convict on view, within the limits of his division, all persons guilty of an offence punishable under the provisions of this section. R. S. Q. 1393.

**Search warrants, &c.** "1395g. Every fishery overseer or other magistrate may make searches or grant a warrant to search any craft in which or places where he has reason to suspect that there may be fish, taken in contravention of the provisions of this section or of the regulations made thereunder, or any object whose use is prohibited.



2. In the performance of his duties, every overseer and other person accompanying him or authorized by him for that purpose, may enter upon or pass over private property, provided that the rights of property are not violated. R. S. Q., 1394." Right to pass over private property.

2. Article 5496 of the Revised Statutes is amended by adding after the words "companies" in the second line, the words "except the second clause of article 4659." R. S., 5496, amended.

#### TRANSITORY PROVISIONS

3. Locations of the Crown domain effected by means of fishery leases, granted by the Commissioner of Crown Lands or by the Commissioner of Lands, Forests and Fisheries, or by any person authorized by either, are hereby declared to be valid, as are also all other deeds respecting fisheries made by the said functionaries. Locations &c., declared valid.

4. All sales and gratuitous grants of Crown lands, made since the 1st June, 1884, are declared to have been made subject to the reserve for fishing purposes of three chains in depth of the lands bordering on non-navigable rivers and lakes in the Province. Certain sales and grants declared subject to reserve for fishing purposes.

5. The repeal, by section 1 of this act, of the seventh section of chapter sixth of title fourth of the Revised Statutes, shall not have the effect of remitting the penalties incurred in virtue thereof, but such penalties shall be imposed and the convictions enforced under the provisions of the repealed law as if this act had not been passed. Effect of repeal by section 1 of act.

6. The fishery overseers and other officers, appointed under the repealed law, shall continue to perform their duties until they have been replaced under the provisions of this act. Present officers continued in office.

7. It shall be lawful for the Lieutenant-Governor in Council to take such measures as he may deem necessary for obtaining and receiving from the Government of Canada, or from the Department of Marine and Fisheries, or from any other department of the said Government, all orders in council, books, books of account, documents and papers or copies thereof relating to the fisheries of this Province. Measures to be taken to take over documents, &c., from Federal authorities.

8. This act shall come into force on the day of its sanction. Coming into force.



## FORM C

*Subpoena to a Witness*

Province of Quebec,        }  
District of                    }

To E. F., of                &c.

Whereas complaint has been made before me that C. D., did (*state the offence as in the summons,*) and I am informed that you can give material evidence in the case; therefore, you are commanded to appear before me, at                , on the                day of                , at                o'clock in the                , to testify what you know concerning the matter of the said complaint.

Witness my hand and seal, at                ; this                day of  
of                , 18

[L. S.]

J. S.,

Justice of the Peace for.....

## FORM D

*Conviction*

Province of Quebec,        }  
District of                    }

Be it remembered, that on this                day of                , 18                , at                , in the said district, C. D., of                has been convicted before me, for that he did, &c., (*stating the offence briefly and the time and place where committed,*) in contravention of the Quebec Fishery Act, and I adjudge the said C. D., to forfeit (and pay) the sum of                (*state to whom the fine is to be paid*) (*or mention the thing forfeited, and in whose favor it is forfeited*) and also to pay A. B., the (*complainant*) the sum of                for costs; and if the said C. D., fails to pay the said penalty and costs forthwith after the said conviction, I adjudge him to be committed to and imprisoned in the common gaol of the district of                for the period of                .

Witness my hand and seal at                this                day of                ,  
18                .

[L. S.]

J. S.

Justice of the Peace for.....

## FORM E

*Form of Warrant of Commitment for non-payment of penalty  
or forfeiture and costs*

Province of Quebec,  
District of

}

To the Constables and Peace Officers of the District of  
and to the Keeper of the Common  
Gaol of the said District at ;

Whereas C. D., of , was on the day of  
, 18 , convicted before me, for that he, &c., (*as in  
conviction*); and I did thereupon adjudge the said C. D.,  
to forfeit and pay to &c.,  
(*as in conviction*), and in default of immediate payment  
to be imprisoned for (*as in conviction*); and whereas the  
said C. D., hath not paid the said forfeiture and costs :  
therefore, I command you, the said constables and peace  
officers, or any of you, to convey the said C. D., to the  
common gaol for the  
of , at and deliver him to  
the keeper thereof with this warrant; and I command you,  
the said keeper of the said gaol, to receive the said C. D.  
into your custody and keep him safely imprisoned in the  
said gaol for the space of , and for so  
doing this shall be your sufficient warrant.

Witness my hand and seal, at , this day  
of , 18 ;

(L. S.)

J. S.

Justice of the Peace for

## CAP. XXIV

## Quebec Game Laws.

[Assented to 25th February, 1899]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

1. Section eighth of chapter sixth of title fourth of the Revised Statutes is replaced by the following: R. S., title 4, cap. 6, sec. 8, replaced.

## "SECTION VIII

## HUNTING

§ 1.—*Division of the Province into Zones*

"1395<sup>h</sup>. For the purposes of this act, which may be cited as the 'Quebec Game Laws,' the Province of Quebec is divided into two zones, known respectively as Zone No. 1 and Zone No. 2. Division of Province into zones.

Zone No. 1 comprises the whole Province, less that part of the counties of Chicoutimi and Saguenay to the east and north of the river Saguenay. Names. Description of Zone No. 1.

Zone No. 2 comprises that part of the counties of Chicoutimi and Saguenay to the east and north of the river Saguenay. Description of Zone No. 2.

§ 2.—*Prohibitions in Zone No. 1*

## I.—MOOSE, 'CARIBOU', DEER

"1396. It is forbidden:

Close season for:

1. To hunt, kill or take deer and moose between the first day of January and the first day of September of any year, except in the counties of Ottawa and Pontiac where it is forbidden to hunt, kill or take them between the first day of December and the first day of October of each year; Deer and moose;

2. To hunt, kill or take caribou, between the first day of February and the first day of September of any year; Caribou;

3. To make use of dogs for hunting, killing or taking moose, caribou and deer; but, red deer may be so hunted, killed or taken, between the twentieth of October and the first of November of any year; Use of dogs in hunting prohibited. Exception.

4. To hunt, kill or take moose and deer while yarding or by what is known as "crusting;" Yarding and crusting;

5. To hunt, kill or take, at any time, fawns up to the age of one year of any of the animals mentioned in paragraphs 1 and 2 of this article; Fawns;

6. To hunt, kill or take, at any time, any cow-moose. Cow-moose.  
R. S. Q., 1396; 52 V., c. 19, s. 1; 59 V., c. 20, s. 1.

Transport of  
moose, &c.,  
forbidden, &c.

**"1397.** After the first fifteen days of the close season, all railway, steamboat and other companies, and common carriers, are forbidden to carry any moose, caribou or deer, the whole or any part of the flesh of such animal or the green hide thereof.

Penalty for  
transporting,  
&c.

Any railway, steamboat or other company or any person favoring in any manner whatever the contravention of this article, shall be liable to a penalty of not less than ten dollars, and not more than twenty dollars.

Transport  
permits.

Nevertheless, it is lawful for the Commissioner of Lands, Forests and Fisheries, at any time, to grant transport permits when it has been established to his satisfaction that the moose, caribou or deer or parts thereof which it is desired to transport have been taken or killed during the time when hunting is allowed and in a lawful manner.

Fee therefor.

For such permits there may be exacted a fee, the amount whereof shall be fixed by the Commissioner, according to circumstances, but which shall not exceed five dollars. R.S.Q., 1397.

Number of  
moose, &c.,  
killed, &c.,  
in one hunt-  
ing-season.  
Permit to kill  
&c., more, on  
payment of  
fees.

**"1398.** No person shall, in one hunting-season, kill or take alive more than two moose, three deer and two caribou.

Exemption of  
Indians from  
paying fees,  
&c.

The Commissioner may nevertheless, if he deems it advisable, grant to any person domiciled in the Province, on payment of a fee of five dollars, a permit to hunt, kill or take alive not more than three additional caribou and three additional deer.

The Commissioner may, however, exempt from the payment of such fee any bona-fide settler or any Indian whose poverty has been established to his satisfaction, and who requires such game as a means of subsistence for himself and family. R. S. Q., 1398; 59 V., c. 20, s. 1.

## II. — BEAVER, MINK, OTTER, MARTEN, PEKAN, HARE, BEAR, MUSK-RAT, &c.

Close season  
for :  
Beaver ;

**"1399.** It is forbidden to hunt, kill or take :

1. Any beaver at any time up to the first day of November, 1902, and, after that date, between the first day of April and the first day of November of any year ;

Mink, &c. :

2. Any mink, otter, marten, pekan, fox or raccoon, between the first day of April and the first day of November of any year. Foxes known as yellow or red foxes may, however, at all times, be hunted, killed or taken ;

Hare, &c. :  
Bear ;

3. Any hare, between the first day of February and the first day of November of any year, or any bear between the first day of July and the twentieth day of August of any year ;

Musk-rat.

4. Any musk-rat, between the first day of May and the first day of April in any year. R. S. Q., 1399; 59 V., 20, s. 1 ; 60 V., c. 25, s. 1.

## III.—WOODCOCK, SNIPE, PARTRIDGE, WILD-DUCK, BLACK-DUCK, TEAL, &amp;C., &amp;C.

“ 1400. It is forbidden :

Close season  
for :

1. To hunt, kill or take :

(a.) Any woodcock, snipe, plover, curlew, tatter or sand-piper, between the first day of February and the first day of September, in each year, birch- or swamp-partridge, between the fifteenth day of December and the first day of September in each year, and white partridge, (ptarmigan,) between the first day of February and the first day of November in any year ;

Woodcock,  
&c.

(b.) Any widgeon, teal or wild-duck of any kind, except sheldrake, loons and gulls, between the first day of April and the first day of September of any year ; but the species of buffle-head ducks, commonly known as pied-ducks or divers, may be hunted, killed or taken between the first day of September and the fifteenth day of April of any year ;

Widgeon,  
teal, &c.

(c.) At any time of the year, between one hour after sunset and one hour before sunrise, in any manner whatever, any woodcock, snipe, partridge, widgeon, teal or wild-duck of any kind ; and, during such prohibited hours, it is also forbidden to keep exposed under any pretext, any lures or decoys near a *cache*, boat or bank ;

Hours during  
which hunt-  
ing is forbid-  
den.

2. To disturb, injure, gather or take, at any time, the eggs of any species of wild fowl, the hunting of which is prohibited by this article, as well as those of the wild-swan, wild-goose or Canada goose ; and all vessels or boats employed in disturbing, gathering or taking the eggs of any species of the aforesaid wild fowl may, as well as the eggs, be confiscated and sold.

Prohibition  
from taking,  
&c., eggs of  
wild fowl.

Nevertheless, the inhabitants of that part of the Province, to the east and north of the counties of Bellechasse and Montmorency, may, for the purpose of procuring food only, at all seasons of the year, except between the first day of June and the first day of August, hunt, kill or take any of the birds mentioned in clause *b* of this article. R.S.Q., 1400 ; 58 V., c. 20, s. 1 ; 58 V., c. 21, ss. 1 and 2 ; 60 V., c. 25, s. 2.

Exception for  
certain per-  
sons in cer-  
tain parts of  
the Province.

## IV.—INSECTIVOROUS AND OTHER BIRDS BENEFICIAL TO AGRICULTURE, &amp;C.

“ 1401. It is forbidden at all times to shoot or kill, and, between the first day of March and the first day of September in each year, to take by means of nets, traps, springs, snares, cages or otherwise any of the birds known as perchers, such as swallows, kingbirds, warblers, flycatchers, woodpeckers, whip-poor-wills, finches, (song sparrows, red-birds, indigo birds, &c.,) cow-buntings, titmice, goldfinches, grives, (robins, wood-thrushes, &c.,) kinglets, bobolinks, grackles, grosbeaks, humming-birds, cuckoos, &c., or to take their nests or eggs, except eagles, falcons, hawks and other birds of the falconidæ,

Close season  
for certain  
birds, &c.

Exception.

Destruction  
of nets, &c.

owls, wild-pigeons, kingfishers, crows, ravens, waxwings (*recollets*), shrikes, jays, magpies, sparrows and starlings; and whosoever finds any nets, traps, springs, snares, cages, &c., so placed or set, may take possession of or destroy the same. R. S. Q., 1401.

Certain persons may kill, &c., certain animals at any time.

" 1401*a*. Proprietors, possessors and farmers may at any time, chase away or kill any animals protected by this section causing or threatening to cause damage to moveable or immoveable property. R. S. Q., 1401*a*; 59 V., c. 20, s. 3.

### § 3.—Prohibitions in Zone No. 2

Hunting in  
Zone No. 2.

" 1401*b*. Saving when it is otherwise provided in this paragraph, all the provisions respecting hunting in Zone No. 1 apply to hunting in Zone No. 2. *New*.

Close season  
for caribou.

" 1401*c*. It is forbidden to hunt, kill or take caribou, between the first day of March and the first day of September of any year. *New*.

Number to be  
killed, &c.

" 1401*d*. No person shall, in one season's hunting, kill or take alive more than four caribou. *New*.

Close season  
for :  
Otter :

" 1401*e*. It is forbidden to hunt, kill or take :

1. Any otter, between the fifteenth day of April and the fifteenth day of October of any year ;

Hare :

2. Any hare, between the first day of March and the fifteenth day of October of any year ;

Musk-rat.

3. Any musk-rat, between the first day of April and the first day of November of any year. *New*.

Close season  
for :  
Birch- or  
swamp-par-  
tridge :  
Ptarmigan.

" 1401*f*. It is forbidden to hunt, kill or take :

1. Any birch- or swamp-partridge between the first day of February and the fifteenth day of September of any year.

2. Any white partridge (ptarmigan) between the first day of March and the fifteenth day of November of any year. *New*.

### § 4.—General Provisions

Snares, &c.,  
forbidden.

" 1402. It is forbidden to take, at any time, by means of ropes, snares, springs, cages, nets, pits or traps of any kind, any of the animals or birds, the hunting of which is prohibited by article 1396, 1400, 1401*c* and 1401*f*, and to place, construct, erect or set, either wholly or in part, any engine for such purpose : and any person finding any engine so placed, constructed, erected, or set, of whatever nature it may be, may take possession of or destroy the same, as well as any snare or trap set or extended to take the fur-bearing animals mentioned in articles 1399 and 1401*c*, when such snares or

Destruction  
of such.



traps remain so set or extended during the time when the hunting of such animals is prohibited. R. S. Q., 1402; 58 V., c. 21 s. 3.

“ **1403.** It is forbidden, in hunting any of the birds mentioned in articles 1400 and 1401<sup>f</sup> to make use of any firearm of a calibre greater than 8. R. S. Q., 1403. Use of firearm over certain calibre, forbidden.

“ **1404.** It is forbidden, at all times, to use strychnine or any other deleterious substance whatsoever, or any spring-gun, to hunt, take, kill or destroy any animal mentioned in this act. R. S. Q., 1404; 59 V., c. 20, s. 4. Use of strychnine &c., forbidden.

“ **1404a.** No person who has killed or taken any bird or animal suitable for food, shall allow the flesh thereof to be destroyed or spoilt, and no person who has killed or taken a fur-bearing animal shall allow the skin thereof to be destroyed or spoilt. *New.* Flesh suitable for food and furs not allowed to be destroyed.

“ **1405.** Every animal or bird protected by the preceding articles when lawfully taken or killed, or any portion of such animal or bird may be bought or sold, during fifteen days to be computed from the expiration of the period fixed by this section for the taking or killing thereof. Sale &c., lawful during certain time of close season.

2. Every game keeper shall forthwith seize all animals or birds protected by the preceding articles, or any portions of such animals or birds, found by him being offered for sale or in the possession or custody or in the care of any person, (a) after the expiration of the fifteenth day after the commencement of the close season, or (b) which appear to have been taken or killed during such close season, or (c) which appear to have been taken or killed by some unlawful means, and shall bring them before any justice of the peace, who, if the law has been contravened, shall declare them confiscated, either in whole or in part, for the benefit of the Province, and condemn the party offering for sale or in whose possession, custody or care such animals or birds have been found, to the penalty provided in article 1410. Seizure of certain animals, &c., birds, &c., killed, &c., during close season. Confiscation thereof.

3. However, (a) the skin of any animal which has been killed when hunting is allowed and, (b) when kept alive, the birds, the hunting or shooting whereof is prohibited by article 1401, and the animals, enumerated in the preceding articles, are exempt from such seizure and confiscation. Certain skins, not liable to confiscation.

4. In all cases enumerated in paragraphs 2 and 3 of this article, the proof that no contravention of the law has taken place shall be upon and at the charges of the proprietor of such animals or birds or part thereof, or of the said skins, or of the person offering them for sale or in whose possession care or keeping such animals, birds or skins were found. Burden of proof.

5. The game-keeper is also authorized to seize any arms, the bearer whereof has been, *flagrante delicto*, caught hunting, Seizure of arms, &c.

if the latter is unknown to him and refuses to declare his name and surname and to indicate the place of his residence, and is also authorized to keep such arms until the fine exigible in each case has been paid to those lawfully entitled thereto. R. S. Q., 1405 ; 59 V., c. 20, s. 4.

Power of  
game-keeper  
to open bags,  
&c., for cer-  
tain purposes.

**"1406.** Every game-keeper may cause to be opened or may himself open, in case of refusal, any bag, parcel, chest, box, trunk or other receptacle, (outside the limits mentioned in article 1408), in which he has reason to believe that game, killed or taken during the close season, or peltries or skins out of season are kept. R. S. Q., 1406.

Fine for  
having  
certain art-  
icles.

**"1407.** Every person found guilty of having had or having actually in his possession or keeping or under his care any articles so confiscated or liable to be so, shall in each case be condemned to a fine of not less than twenty dollars but not more than fifty dollars, and, in default of immediate payment, to an imprisonment not exceeding six months in the common goal of the district within the limits whereof the offence was committed or the seizure or confiscation was effected.

Application  
of fine.

Such fine shall be disposed of as provided by article 1410. R. S. Q., 1407.

Search-war-  
rant may be  
obtained by  
game-keeper  
in certain  
cases.

**"1408.** Every game-keeper, if he has reason to suspect and if he suspects that game, killed or taken during the close season, or by illegal means, or peltries or skins out of season are contained or kept in any private house, or place of business, shall make a deposition before a justice of the peace, in the form A of this section, and demand a search-warrant to search such private house or place of business, and thereupon such justice of the peace is bound to issue a warrant according to form B.

Form of depo-  
sition.

Power of  
game-keeper  
to enter ves-  
sels, &c.,  
without war-  
rant, &c.

Every game-keeper is authorized to enter, without a warrant, any vessel, shed, car or other construction, saving those coming within the provision of the preceding clause, to search for such game, furs, or skins, and, for that purpose, may cause to be opened, or, in case of refusal, may himself open any door giving access to any such vessel, shed, car or other construction as well as any door in the interior thereof. R. S. Q., 1408 and *new*.

Proceedings  
after seizure,  
&c., confisca-  
tion, &c., to  
establish con-  
dition of ar-  
ticles seized.

**"1409.** Every game-keeper shall, after each seizure and confiscation of peltries or skins, cause to be established, as soon as possible, by a competent person, duly sworn, the condition of the peltries or skins so seized and confiscated, and place them in a safe place, and then immediately report to the Department of Lands, Forests and Fisheries.

The proprietor of such peltries or skins so seized and **confiscated**, or his attorney or mandatary *ad hoc*, may, **within the delays prescribed by article 1411, himself also appoint, at his own expense, a person who shall have a right to examine such peltries or skins.**

If the proprietor or his attorney or mandatary *ad hoc* be not present and cannot be found at the time of such seizure and confiscation, and if the value of such peltries or skins so seized and confiscated may be reasonably estimated at ten dollars at least, notice thereof shall be given twice during fifteen days, in a newspaper published in the French language, and twice in a newspaper published in the English language, in the place where such seizure and confiscation took place, or in the nearest place if no such newspapers are published in such place; the costs of such notice shall be at the expense of the proprietor or of his attorney or his mandatary *ad hoc*, if the articles be claimed, if not, they shall be paid by the game-keeper to whom, at the expiration of the said delay, the said peltries or skins, so seized and confiscated, shall belong. R. S. Q., 1409.

"**1409a.** It shall be lawful for the Commissioner to dispose, in favor of benevolent institutions, of the game seized and confiscated, and cause to be sold for the benefit of the Crown, by private sale or by auction, the skins or other articles of any value seized and confiscated. R. S. Q., 1409a; 59 V., c. 20, s. 5.

### § 5.—Penalties, Proceedings, &c.

**1410.** Every infringement of any of the provisions of this section is punishable summarily upon prosecution, which may be brought either by the game-keeper, or by any other person, before a justice of the peace having jurisdiction in the district in which the offence was committed or the seizure and confiscation effected.

The provisions of the Criminal Code, 1892, respecting summary convictions before justices of the peace, and of articles 2713 to 2720 of these Revised Statutes, shall, unless incompatible, apply to all prosecutions brought under this section.

The fines are as follows :

For every infringement of the following articles :

Article 1396, § 1, in the case of moose.....	\$50 to \$100	
Article 1396, § 1, in case of deer, § 2, and articles 1398, 1401c, and 1401d.....	40 to	50
Article 1396, §§ 3 and 4.....	20 to	50
Article 1396, § 5.....	10 to	25
Article 1396, § 6.....	100 to	200.

Table of  
fines.

Fines and  
their re-  
covery.

Disposal of  
game, &c.,  
seized.

Costs of notice  
by whom  
paid.

Proprietor  
may appoint  
person to ex-  
amine such  
articles.

Notice to be  
given if pro-  
prietor can-  
not be found,  
&c.

Articles 1396, § 2 and 1401c, in the case of a female, an additional fine of.....	10
Articles 1399 and 1401e.....	20 to 30
Articles 1399 and 1401e, in the case of a female, an additional fine of.....	5
Articles 1400 and 1401f.....	10 to 25
Article 1401.....	2 to 5
Articles 1402 and 1403.....	5 to 20
Articles 1404 and 1404a.....	25 to 50
Article 1405.....	10 to 25
Articles 1415 and 1416a, double the fee for the hunting license.	
Article 1417.....	5 to 10
For every infringement for which a fine is not enacted by this article, and for every infringement of a regulation made by the Lieutenant-Governor in Council.....	2 to 20

Imposition,  
and applica-  
tion of fines.

Such justice of the peace shall, if he finds the proof sufficient, impose the fine with costs, which fine wholly belongs to the prosecutor.

Imprison-  
ment in de-  
fault of pay-  
ment.

In default of immediate payment, the offender is imprisoned in the common gaol of the district within the limits of which the offence was committed or in which the seizure and confiscation were effected, for a period not exceeding three months and not less than fifteen days, and in case of infringement of article 1404, for a period not exceeding six months nor less than one month.

Conviction  
on view.  
Seizure, &c.,  
at whose risk.

Every justice of the peace has power to convict on view. Seizures, confiscations and prosecutions are at the risk of the person who caused the same to be made or carried on. R. S. Q., 1410 ; 59 V., c. 20, s. 6.

*Certiorari* not  
allowed.

"1411. No proceeding under this section shall be quashed, annulled or set aside by *certiorari*; but an appeal may, within ten days, be brought before the circuit court of the district in which the offence took place or the seizure and confiscation were effected, in the same manner as appeals under the Municipal Code, if the proprietor or his attorney, or mandatory *ad hoc* be present at the time of such seizure and confiscation, when the proceeding is for such seizure and confiscation; but, when the proprietor, his attorney or mandatory is not present, the right of appeal remains during the whole of the delay required by the notice mentioned in article 1409.

Delay to ap-  
peal in cases  
of fines.

A similar delay of ten days to appeal exists respecting the fine.

Government  
not respon-  
sible for  
costs.

The Government of the Province cannot be held to be responsible for any costs incurred in virtue of such proceedings. R. S. Q., 1411.

" 1412. No prosecution shall be brought after six months from the day of the commission of the offence charged. Prescription of prosecutions.  
R. S. Q., 1412 ; 60 V., c. 25, s. 3.

§ 6.—*Appointments, Game Licences, etc.*

" 1413. There shall be, for the purpose of specially insuring the execution of this section and of all other laws respecting hunting, which may in future be passed for this Province, a game superintendent general, at a salary not exceeding \$1800, and a game inspector general at a salary not exceeding \$1500, appointed by the Lieutenant-Governor in Council. Appointment of game superintendent general and game inspector general.

The said two officers are for the purposes of this section, *ex officio* justices of the peace with jurisdiction over the whole Province, and they have further all the powers conferred upon game-keepers by the provisions of this section. Powers of such officers.  
R. S. Q., 1413 ; 60 V., c. 25, s. 4.

" 1414. The Commissioner has also the power of appointing persons to see to the observance of this section and of any law which may hereafter be passed relating to game in this Province, and to assign to them any territory or division which he may, under the circumstances, deem advisable. Appointment of game-keepers.

These persons are called game-keepers, and the Commissioner may, in certain cases, restrict, as far as they are concerned and also as far as other game-keepers, under his control are concerned, the powers conferred upon them by this section. Restriction of powers.

Such game-keepers shall, before assuming office be sworn, according to Form C, before a justice of the peace. Oath of game-keepers.  
R. S. Q., 1414 ; 59 V., c. 20, s. 7.

" 1415. No person, not domiciled in the Province of Quebec, can hunt therein unless he holds one of the following licenses, that is to say, : Licenses to hunt required for strangers.

1. A general license, authorizing the hunting or shooting of all the birds and animals, the hunting or shooting whereof is regulated by this section, with the exception of those mentioned in article 1401 ; General license :

2. A license, respecting fur-bearing and other animals, authorizing the hunting of the animals, the hunting whereof is regulated by articles 1396, 1399, 1401c, and 1401e ; License for fur-bearing animals ;

3. A license, respecting wild birds, authorizing the hunting or shooting of the birds, the hunting and shooting whereof is regulated by articles 1401 and 1401f ; License for wild birds ;

4. A license, respecting the same wild birds, authorizing the hunting and shooting thereof in and over the islands, bays, dunes or foreshores of the Gulf of St. Lawrence. License for wild birds in Gulf of St. Lawrence.  
R. S. Q., 1415 ; 59 V., c. 20, s. 8.

By whom  
licenses are  
issued, &c.,  
fee therefor.

" **1416.** Every such license shall be issued by the Commissioner, or by any other person designated by him, upon payment of fees according to the tariff established by the Lieutenant-Governor in Council.

Reduction of  
fee in certain  
cases.

The fee may be reduced if the license is issued to a member of any fish and game club, which is incorporated under the laws of the Province and has complied with the provisions of such laws ; but on condition that such club is lessee of a hunting reserve in accordance with article 1417a. R. S. Q., 1416 ; 59 V., c. 20, s. 8 ; 60 V., c. 25, s. 5.

What license  
to contain.

" **1416a.** In every such hunting or shooting license, mention must be made of the region for which it is granted.

Privilege con-  
ferred there-  
by, &c.

Every hunting or shooting license shall be personal, must, in order to be valid, be endorsed with the signature of the person to whom it is issued ; shall be good for the hunting- or shooting-season for which it is issued, and shall confer upon the holder thereof the right to hunt or shoot the animals and birds for which it is granted, in the manner permitted by this section.

Exhibition  
of license.

The holder of the license shall, at all reasonable times, when required, exhibit the same to any game-keeper or to any person having *ex officio* such quality, under penalty of the forfeiture of the license, without prejudice to the penalties enacted by article 1410. R. S. Q., 1416a ; 59 V., c. 20, s. 8.

Licenses for  
scientific and  
breeding  
purposes.

" **1417.** The Commissioner may grant written licenses to any person, *bona fide*, desirous of obtaining birds' eggs or fur-bearing or other animals for scientific or breeding purposes during the close season.

Fee therefor.

Persons not domiciled in the Province of Quebec shall for such licenses, pay a fee which shall not be less than five dollars, nor more than twenty-five dollars, to be determined by the Commissioner according to the number and importance of the objects such licenses are applied for.

Return to  
Department  
to avoid fine.

No person, who has obtained such a license, shall be liable to any penalty enacted by this section, provided that, at the expiration of his license, he files, in the Department of Lands, Forests and Fisheries, a solemn declaration setting forth the species and number of birds, eggs and fur-bearing or other animals so procured by him for scientific or breeding purposes. R. S. Q., 1417 ; 59 V., c. 20, s. 9.

Hunting ter-  
ritories may  
be set apart.

" **1417a.** From and out of the public lands remote from any settlements, it shall be lawful for the Lieutenant-Governor in Council, upon the recommendation of the Commissioner, to erect hunting territories, which shall in no case exceed four hundred square miles each, provided such lands are not subdivided into lots or are unfit for cultivation.

The Commissioner may lease, either by auction or by private agreement, any such hunting territory to one or more persons for a period not exceeding ten years, for an annual sum of not less than one dollar per square mile, agreed upon between him and the lessee or lessees, payable in advance, under pain of the forfeiture of the lease. Lease thereof.

The Commissioner may insert, in any such lease, the clauses and stipulations deemed necessary in the public interest. Conditions of lease. R. S. Q., 1417*a* ; 59 V, c. 20, s. 10.

**"1418.** All Crown land agents or Crown timber agents and all wood-rangers, appointed by the Commissioner, are while in office as such, *ex officio*, game-keepers for the division under their respective superintendence, and are not entitled to any additional salary for such service. R. S. Q., 1418. *Ex officio* game-keepers.

**"1419.** Every game-keeper shall, at the end of each of the months of March, June, September and December, in each year, forward to the Département of Lands, Forests and Fisheries a report of his proceedings during the previous quarter and of the infringements of the game laws which have come to his knowledge during the same period. R. S. Q., 1419. Quarterly returns, &c., by game-keepers.

**"1420.** The Lieutenant-Governor in Council may, in his discretion, prohibit the hunting or killing of any bird or fur-bearing animal, for a period not exceeding five years. R. S. Q., 1420. Lieutenant-Governor in Council may prohibit hunting for five years.

**"1420*a*.** The Lieutenant-Governor in Council may, for the purpose of carrying out the provisions of this section, on the recommendation of the Commissioner, make such rules and regulations, not inconsistent with this section, as may be necessary for carrying out the provisions contained therein, and may also amend or repeal existing forms and make others, which he may likewise amend or repeal. R. S. Q., 1420*a* ; 59 V., c. 20, s. 11." Rules and regulations may be made by Lieutenant-Governor in Council.

#### TRANSITORY PROVISIONS .

**2.** Leases and other deeds made in virtue of the repealed act shall continue to exist under the present act, and the game-keepers and other officers appointed under the repealed act shall continue to perform their duties until they have been replaced under the terms of this act. Existing leases, &c. Present officers.

**3.** The repeal of the aforesaid eighth section shall not have the effect of remitting any penalties incurred thereunder, but such penalties shall be imposed and carried into execution in virtue of the provisions of the repealed act as if this act had not been passed. Effect of repeal.

Coming into  
force.

4. This act shall come into force on the day of its sanction.

### FORM A.

I, \_\_\_\_\_, undersigned, game-keeper for \_\_\_\_\_, do hereby declare that I have reason to suspect and I do suspect that (*game, killed or taken, during the close season, or furs, peltries or skins, out of season, &c., as the case may be*) is (or are) at present held and concealed (*describe the property, occupant, and the place, &c.*)

Wherefore I pray that a warrant may be granted and given to me to effect the necessary searches in (*describe here the property, &c., as above*).

(Signature,)

X. Y.,  
Game-Keeper.

Sworn before me, at  
this

day of  
18

}

L. B.,  
J. P.

### FORM B.

Province of Quebec, }  
County of . }

To each and every the constables of  
county of \_\_\_\_\_,

Whereas

\_\_\_\_\_, game-keeper for \_\_\_\_\_, has this day declared on oath before me, the undersigned, that he has reason to suspect and does suspect that (*game, killed or taken, during the close season, or furs, peltries or skins, out of season, &c., as the case may be*) is (or are,) at present held and concealed (*describe property, occupant and the place, &c.*)

Therefore, you are commanded by these presents, in the name of Her Majesty to assist the said

\_\_\_\_\_ game-keeper, and to diligently help him to make the necessary searches to find the (*state the game taken or killed during the close season, or furs, or skins or peltries out of season, &c.,*) which he has reason to suspect and does



suspect to be held and concealed in (*describe the property, &c., as above*), and to deliver, if need there be, the said (*game, &c., as the case may be*) to the said

, game-keeper, to be by him brought before me or before any other magistrate, to be dealt with according to law.

Given under my hand and seal at                      county of                      ,  
this                      day of                      18.

L. B.,  
J. P.

(L. S.)

### FORM C.

#### OATH OF GAME-KEEPER.

I, the undersigned game-keeper for  
do swear that I will perform the duties of my office faithfully and to the best of my ability, in accordance with the game laws and regulations in force in this Province. So help me God.

Sworn before me, at	18	, ) (Signature)	X. B., Game-keeper.
this                      day of			
(Signature)			
A. B., J. P.)			

### CAP. XXV

An Act to amend article 1618 of the Revised Statutes of the Province of Quebec.

[Assented to 10th March, 1899]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

1. Article 1618 of the Revised Statutes, as amended by R. S., 1618, the acts 53 Victoria, chapter 2, section 4, 53 Victoria, <sup>amended.</sup> chapter 22, section 1, and 59 Victoria, chapter 6, section 2, is further amended by adding after the word : "Rimouski" in the third line, the word : "Montmorency."

## CAP. XXVI

An Act to amend the law respecting agricultural societies.

[Assented to 10th March, 1899]

**H**ER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

R. S., 1641,  
amended.

Societies may  
enter into cer-  
tain agree-  
ments with  
county muni-  
cipalities.

**1.** Article 1641 of the Revised Statutes is amended by adding thereto the following clause :

“ Nevertheless any society may enter into arrangements with the county municipality within which it is comprised so as to apply the whole or part of the subscriptions of its members or public grant which it receives, or of both, to the payment of a part of the cost of acquiring or working machines, stone-crushers and rollers to improve and maintain by-roads, or local or county roads.”

R. S., 1643,  
amended.

Commission-  
er may also  
exempt socie-  
ties from  
holding exhi-  
bitions, &c.,  
for certain  
reasons.

**2.** Article 1643 of the Revised Statutes, as amended by the act 61 Victoria, chapter 16, section 1, is further amended by adding thereto the following clause :

“ The Commissioner may also exempt any society from holding such exhibitions or competitions which has entered into an arrangement with the county municipality within which it is comprised for the purpose of applying the whole or part of the subscriptions of its members or public grants which it receives, or of both, to the payment of part of the cost of acquiring or working machines, stone-crushers and rollers to improve and maintain by-roads or local or county roads.”

Coming into  
force.

**3.** This act shall come into force on the day of its sanction.

## CAP. XXVII

An Act to amend article 1651 of the Revised Statutes respecting agricultural societies.

[Assented to 10th March, 1899]

**H**ER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

R. S., 1651,  
amended.

**1.** Article 1651 of the Revised Statutes, as amended by the acts 52 Victoria, chapter 22, section 2, and 55-56 Victoria, chapter 22, section 1, is further amended by replacing the word “ eight,” in the fourth line of paragraph 1, by the word “ nine.”

## CAP. XXVIII

## Education Act.

[Assented to 10th March, 1899]

**H**ER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

## PRELIMINARY TITLE

## INTERPRETATIVE AND DECLARATORY

## CHAPTER FIRST

## INTERPRETATIVE

**1.** In this act or in any act amending the same, the following words, terms and expressions, wherever found therein, have the sense, meaning and application assigned to them, respectively. Interpretation : R. S., 1860.

**2.** The words : “ Superintendent ” or “ Superintendent of Education,” designate the Superintendent of Public Instruction. Superintendent ; Superintendent of Education ; R. S., 1860, § 2.

**3.** The term “ school municipality ” means any territory erected into a municipality for the support of schools under the control of school commissioners or trustees. School municipality ; R. S., 1860, § 5.

**4.** The terms “ school corporation ” or “ school board ” mean indifferently corporations of school commissioners or trustees. School corporation, &c. ; R. S., 1860, § 6.

**5.** The terms “ country municipality ” include and mean parish municipalities, municipalities of part of a parish, of a township, of part of a township, of united townships, and generally every local municipality other than city, town or village municipalities. Country municipality ; M. C., 19, § 2.

**6.** The words : “ local municipality ” mean, indifferently, any city, town, village or rural municipality managed by a municipal council. Local municipality ; M. C., 19, § 3, *am.*

**District:** **7.** The word "district" means a judicial district established by law, and designates the district in which the municipality is situated. M. C., 19, § 6.

**County:** **8.** The word "county" means any territory erected into a county for the purposes of representation in the Legislative Assembly of the Province. If two or more counties are united to constitute an electoral division the word "county" designates each of such counties severally. M. C., 19, § 7.

**Parish:** **9.** The word "parish" means any territory erected into a parish by civil authority. M. C., 19, § 4.

**Township:** **10.** The word "township" means any territory erected into a township by proclamation. M. C., 19, § 5.

**Circuit court of the county:** **11.** The terms "circuit court of the county" or "county circuit court" mean the circuit court in and for the county; and if there is more than one circuit court in the county, they include all that are therein established. M. C. 19, § 9.

**Magistrate's court:** **12.** The words "magistrate's court" or "magistrate's court of the county" mean the magistrate's court established in the county by proclamation of the Lieutenant-Governor and presided over by the district magistrate. M. C. 19, § 10.

**School:** **13.** The terms "school," "public school," or "school under control" designate every school under the control of school commissioners or trustees:

By "subsidized school" is meant any private school which receives a grant from the Government out of the funds voted for education. R. S., 1860, § 1; 2239, *mut.*

**Officers of primary instruction:** **14.** The term "officers of primary instruction," designates every designated person who has the direction, administration or supervision over one or more classes or educational institutions under the control of school commissioners or trustees, school inspectors, professors and teachers of public schools, male and female certificated teachers teaching in an institution under the control of school commissioners or trustees, or in those subsidized by them or of the Government out of the funds voted for education, but does not include members of the clergy or of religious communities or professors in colleges or universities. R. S., 2238, *am.*

**Teacher:** **15.** The words "teacher" or "professor" apply also to female teachers and to all persons, whether lay or religious, teaching in the schools of this act. R. S., 1860, § 3.

**16.** The words “real estate” “land” or “immoveable” mean all lands or parcels of land, possessed or occupied by one person or by several persons conjointly, and include the buildings and improvements thereon. *M. C., 19, § 24.* Real estate ;  
Land ;  
Immoveable ;

**17.** The term “taxable property” means the real estate liable for school taxes. *R. S., 1860, § 13.* Taxable  
property ;

**18.** The words “school tax” or “tax” designate and mean all and every the contributions that may be levied in virtue of this act. *New.* School tax ;  
Tax ;

**19.** The words “school assessment” mean the tax which is levied on the taxable property of a school municipality. *New.* School assess-  
ment ;

**20.** The words “monthly fees” mean the contribution exacted for each child who, in virtue of this act, should or may attend the public schools. *New.* Monthly  
fees ;

**21.** The words “valuator” and “assessor” mean any person appointed by school commissioners or trustees or by the Superintendent of Public Instruction to value the taxable property of the school municipality. *R. S., 1860, § 8, mod.* Valuator ;  
Assessor ;

**22.** The term “rate-payer” means any person who, in virtue of any provision of this act, is liable for the payment of school taxes. *R. S., 1860, § 7.* Rate-payer ;

**23.** The word “occupant” denotes the person who occupies any immovable under any title other than that of proprietor, tenant, or usufructuary, either in his own or his wife’s name, and who dwells upon the same and derives revenue therefrom. *M. C., 19 § 19.* Occupant ;

**24.** The word “absent” designates all persons residing without the limits of the school municipality ; nevertheless, any person, corporation, railway or other company, which has any place of business within the municipality, shall be deemed present in such municipality. *R. S., 1860, § 14, mod.* Absent ;

**25.** The word “guardian” means, as the case may be, Guardian ;

1. The guardian appointed to a seizure ;

2. Any person who has the care or control of one or more children of school age. *R. S., 1860, § 9.*

**26.** The words “religious majority” or “religious minority” mean the Roman Catholic or Protestant majority or minority, as the case may be. *R. S., 1860, § 4.* Religious ma-  
jority ;  
Religious mi-  
nority ;

School year; **27.** The words "school year" mean the twelve months from the first of July of one year to and including the thirtieth of June of the next year. R. S., 1860, § 15.

Month; **28.** The term "month" means a calendar month. R. S., 1860, § 16.

Following day. **29.** The expression "following day" does not mean or include holidays, except when an act may be done upon a holiday. M. C., 19, § 30.

## CHAPTER SECOND

### DECLARATORY

#### SECTION I

##### APPOINTMENTS BY THE LIEUTENANT-GOVERNOR

Lieutenant-Governor in Council may annul, &c., appointments by him made, &c. **30.** The Lieutenant-Governor in Council may, at any time, and whenever he deems it necessary, annul any appointment made by him and make new appointments in place of those he has annulled. R. S., 1868, *mod.*

#### SECTION II

##### OATHS AND SOLEMN DECLARATIONS

Who may administer oaths under laws respecting education. **31.** All oaths or solemn declarations, required by the laws or regulations concerning education, may be administered or received by the Superintendent of Public Instruction, either of the secretaries of the Department of Public Instruction, any school inspector, any justice of the peace or any commissioner of the Superior Court. R. S., 1864*t, am.*

#### SECTION III

##### FORMS

Forms. **32.** The forms inserted in this act form part thereof and are sufficient for all cases for which they are proposed. Any other form to the like effect may also be employed. R. S., 1879.

#### SECTION IV

##### QUORUM

Quorum. **33.** The quorum of any corporation, board, committee or other body constituted under this act, shall, unless otherwise provided, be an absolute majority of all the members thereof. R. S., 1861.

**34.** The members present at any meeting regularly held, at which there is a quorum, may exercise all the powers of the corporation of which they are members. R. S., 1861, *in part, mod.*

Members present, if a quorum, exercise powers of corporation.

## SECTION V

## DEFAULT OR INSUFFICIENCY OF AND DELAYS AFTER NOTICE

**35.** Whoever has had knowledge of a matter for which a notice is required cannot take advantage of any default, error in form, or insufficiency of such notice. R. S., 1865, *in part.*

Certain persons not to take advantage of default, &c., of notice.

**36.** The intermediate delay after a notice dates from the day on which such notice was served, that day and the one given in the notice not counting. M. C., 231.

Reckoning of delays after notice.

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## TITLE FIRST

DEPARTMENT OF PUBLIC INSTRUCTION—SUPERINTENDENT OF  
PUBLIC INSTRUCTION—COUNCIL OF PUBLIC INSTRUCTION—SCHOOL VISITORS—SCHOOL INSPECTORS—  
CENTRAL BOARD OF EXAMINERS

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## CHAPTER FIRST

## DEPARTMENT OF PUBLIC INSTRUCTION

## SECTION I

## GENERAL PROVISIONS

**37.** The Department of Public Instruction forms part of the Civil Service of the Province. R. S., 1881, *in part.*

Department forms part of Civil Service.

## SECTION II

## STAFF OF THE DEPARTMENT

**38.** The Department of Public Instruction consists of :

1. The Superintendent of Public Instruction appointed by the Lieutenant-Governor in Council, during pleasure.  
His salary is three thousand dollars per annum.
2. Two secretaries who, as deputy-heads of the Department, have under the direction of the Superintendent the general control of the Department, and exercise the other powers and duties assigned to them by the Lieutenant-Governor in Council.

Composition of Department.  
Superintendent.  
Salary.  
Secretaries and their powers.

Powers in  
absence of  
Superinten-  
dent.

In the absence of the Superintendent, they may suspend any employee of the Department who refuses or neglects to obey their orders, or whose conduct they may deem blameworthy ; but they shall afterwards report such suspension to the head of the Department.

Other offi-  
cers.

3. All other officers required to carry out the law respecting education. R. S., 1882, 1888, 1884, *in part, mod.*

## CHAPTER SECOND

### SUPERINTENDENT OF PUBLIC INSTRUCTION

Superintend-  
ent admin-  
isters De-  
partment.  
Attributions  
of Superin-  
tendent.

**39.** The Superintendent of Public Instruction has the administration of the Department of Public Instruction.

He is *ex officio* member of the Council of Public Instruction, and of each of the two committees thereof, but he has a right to vote only in the committee of the religious belief to which he belongs ; he is also a member of the Council of Arts and Manufactures, and visitor of the schools of Arts and Manufactures. R. S., 1882, 1888, 1895, *in part, mod.*

Powers, &c.,  
of Superin-  
tendent.

**40.** The Superintendent possesses all the powers, functions, rights and attributions, and is subject to all the duties and obligations conferred and imposed upon him by the various articles of this act.

Superinten-  
dent to  
comply with  
certain direc-  
tions.

The Superintendent, in the exercise of his functions, is bound to comply with the directions of the Council of Public Instruction or with those of the Roman Catholic and Protestant Committee, as the case may be. R. S., 1885, 1886.

Delegation of  
powers by  
Superinten-  
tendent.

**41.** In case the Superintendent is absent from the Province or in case of continued illness, he may delegate to one of the secretaries of the Department, the powers conferred upon him by law. R. S., 1887.

Superinten-  
tendent de-  
positary of  
documents,  
&c.

**42.** The Superintendent is the depository of all documents relating to matters concerning the Department of Public Instruction, and he may deliver copies or extracts, on payment of the fee fixed by the Lieutenant-Governor in Council.

Authenticity  
of certain  
copies, &c.

Every document, whether an original or a copy, signed by the Superintendent or by one of the secretaries of the Department of Public Instruction, is authentic and is proof of its contents without it being necessary to prove the signature. R. S. 1863.

Retention of  
grant from  
municipality  
in certain  
cases.

**43.** The Superintendent may retain the grant of any municipality or educational institution which has not forwarded to him the returns prescribed by this act, which has adopted or allowed the use of any unauthorized text-books,



or which has refused or neglected to comply with any of the provisions of the law, or of the regulations respecting public instruction. R. S. 1929, 1959, 2026, § 9, 2041, 2075, § 6, 2183, 2184.

**44.** The Superintendent may hold or delegate his power to hold inquiries, the cost whereof, in case of non-payment he may recover from the party who has been condemned. If the inquiry is held upon the application of one or more rate-payers, the Superintendent may exact from the party applying therefor the deposit of a sum sufficient to cover the costs.

Holding of inquiries.  
Deposit, if held on application of rate-payers.

For the purposes of such inquiries, the Superintendent, or the person so delegated, may summon, swear and hear witnesses and the parties to the case, and compel them to produce all books, papers and documents connected with such inquiry. R. S., 1889, *in part, am.*

Powers during inquiry.

**45.** It is especially the duty of the Superintendent :

Duties :

1. To receive from the Provincial Treasurer and distribute, in conformity with the law, the grants intended for public schools, and all other educational institutions entitled thereto ; R. S. 1892, § 1, 2173, 2174, 2179, 2203.

To receive and distribute grants for public schools :

2. To prepare a detailed statement of the sums required for public instruction, which he shall submit annually to the Legislature ; R. S., 1891, *am.*

To prepare statement of sums required annually ;

3. To compile and publish statistics and information respecting educational institutions, public libraries, and art, literary and scientific societies, and in general respecting all subjects connected with literary and intellectual progress ; R. S., 1890.

To compile, &c., school statistics ;

4. To communicate annually to the Legislature a detailed statement upon the state of education in the Province, with statistics upon the number of schools and other educational institutions, the children attending the same and other matters connected therewith. These statistics shall be furnished to him, during the course of the month of July in each year, by the school commissioners and trustees and all educational institutions, in accordance with the forms for that purpose prepared by the Committee of the Council of Public Instruction of the religious belief of such schools or educational institutions ; R. S. 1890, *am.*

To communicate detailed statement annually to Legislature respecting state of education, &c. ;

5. To indicate in his annual report, to the Legislature, what has been done with the grants for education, during the period to which such report relates ; R. S. 1892, § 7.

To indicate in statement what has been done with grants ;

6. To keep books and statements in detail of every thing which is under his supervision and control, so as to be in a position to furnish to the Government and Legislature any required information ; R. S., 1892, § 4.

To keep books, &c. ;

To verify,  
&c., accounts  
of persons,  
&c., account-  
able for pub-  
lic moneys ;

7. To verify and control the accounts of all persons, corporations or associations accountable for any public moneys appropriated and distributed under any provision of this act, and to report whether the said moneys were applied for the purposes for which they were granted ; R. S., 1892, § 5.

To prepare,  
&c., recom-  
mendations,  
&c., for  
schools ;

8. To prepare and cause to be printed recommendations and advice on the management of schools, for school commissioners and trustees, and for secretary-treasurers and teachers ; R. S., 1892, § 3.

To prepare,  
&c., forms ;

9. To prepare and cause to be printed and distributed all necessary forms. R. S. 1892 § 2.

Other pow-  
ers :

10. Further, he may, with the authorization of the Lieutenant-Governor in Council :

Establish-  
ment of art  
societies, &c. ;

(a) Establish and assist art, literary or scientific societies, museums or picture galleries founded by such societies, by the Government or by institutions receiving a government grant ;

Establish-  
ment of com-  
petitions,  
&c. ;

(b) Establish competitions and distribute diplomas, medals or other marks of distinction for scholastic, artistic, literary or scientific works ;

Establish-  
ment of  
schools for  
adults ;  
Encourage-  
ment of  
education.

(c) Establish schools for adults for the instruction of the working classes ;

(d) In general, do everything that concerns the encouragement and advancement of public instruction, arts, letters and sciences. R. S. 1892, §§ 8b, 8c, 8d, 8e.

## CHAPTER THIRD

### COUNCIL OF PUBLIC INSTRUCTION AND COMMITTEES THEREOF

#### SECTION I

#### COUNCIL OF PUBLIC INSTRUCTION

Composition  
of Council.

**46.** The Council of Public Instruction is composed of Roman Catholic and Protestant members. In the performance of their duties the members are subject to the lawful orders and instructions given to them by the Lieutenant-Governor in Council.

Subject to  
orders of  
Lieutenant-  
Governor in  
Council.  
Division of  
Council into  
Committees.

The Council is divided into two committees, one composed of Roman Catholic members, and the other of Protestant members. R. S. 1893, 1894, 1896, *in part*.

Composition  
of Roman  
Catholic Com-  
mittee ;

**47.** The Roman Catholic Committee is composed of :

The Bishops, ordinaries or administrators of the Roman Catholic dioceses and apostolic vicariates, situated either in whole or in part in the Province, who are members *ex officio* ;

An equal number of Roman Catholic laymen who are appointed by the Lieutenant-Governor in Council during pleasure ;

2. The Protestant Committee is composed of :

Protestant  
Committee.

A number of Protestant members, equal to the number of Roman Catholic lay members, who are also appointed by the Lieutenant-Governor in Council.

The Protestant Committee may associate with themselves six persons, and the Provincial Association of Protestant Teachers may, each year, at their annual meeting, elect one of their members to be also an associate member of the Protestant Committee for the following year.

Associate  
members of  
Protestant  
Committee.

The persons so added shall not form part of the Council of Public Instruction, but shall have, in the Protestant Committee, the same powers as the members of such Committee.

Not to form  
part of Coun-  
cil.

R. S., 1896, 1903, *in part*.

48. School questions, in which the interests of Roman Catholics and Protestants are collectively concerned, are under the jurisdiction of the Council of Public Instruction and shall be decided by it. R. S., 1910, *mod*.

School ques-  
tions within  
jurisdiction of  
Council.

49. School questions, in which the interests of Roman Catholics or Protestants are exclusively concerned, are decided by that one of the two committees which represents the religious belief which the party concerned professes.

School ques-  
tions within  
jurisdiction of  
each commit-  
tee.

R. S., 1911, *mod*.

50. The Superintendent of Public Instruction is President of the Council. R. S., 1888, 1895, *in part*.

President of  
Council.

51. The two secretaries of the Department of Public Instruction are joint secretaries of the Council.

Secretaries of  
Council.

They keep the accounts of the Council and enter the deliberations in a book kept for that purpose. R. S., 1897, *in part, mod*.

Accounts and  
minutes to be  
kept by them.

52. The expenses of the Council are paid by the Superintendent of Public Instruction out of the funds voted for that purpose by the Legislature. R. S., 1898, *am*.

Expenses of  
Council how  
paid.

#### SECTION II

##### COMMITTEES OF THE COUNCIL OF PUBLIC INSTRUCTION

53. Each of the two committees of the Council of Public Instruction has separate sittings. It appoints its chairman and its secretary. R. S., 1901, *in part*.

Meetings of  
committees,  
&c.

54. It is the duty of each committee to make regulations, subject to the approval of the Lieutenant-Governor in Coun-

Classification  
of schools.

cil. to determine what constitutes an elementary school, a model school and an academy. R. S., 1912 § 3, *mod.*

Power to  
make certain  
regulations.

**55.** The Roman Catholic or Protestant committee, as the case may be, and as the provisions which concern them require, may, with the approval of the Lieutenant-Governor in Council, make regulations: R. S., 1912.

1. For the organization, administration and discipline of public schools. *Id.* § 3.

2. For the division of the Province into districts of inspection and for establishing the boundaries of such districts;

3. For the government of normal schools; *Id.* § 2, 2220.

4. For the government of boards of examiners; R. S., 1913.

5. For the examination of candidates for the office of school inspector; R. S., 1944, § 5.

6. For determining the holidays to be given in schools. R. S., 1878.

Approval of  
text-books,  
&c.

**56.** Each committee shall approve the text-books, maps, globes, models or other articles for use in the schools of its religious belief, and, when it deems it expedient, it may withdraw the approval it has given. R. S., 1927, *mod.*

Revocation of  
teachers di-  
plomas for  
misconduct,  
&c.

**57.** Each of the two committees may revoke the diploma of any teacher of its religious belief convicted of bad conduct, immorality, drunkenness, or grave neglect of duty, by proceeding in the following manner: R. S., 1915, *mod.*

Service of  
charge upon  
accused  
teacher, with  
notice to ap-  
pear and what  
to contain.

1. When a charge, in writing, is laid before a committee of the Council of Public Instruction, against any teacher by the school inspector or by one or more persons, the Superintendent of Public Instruction causes to be served, by a bailiff, upon the accused teacher, a copy of such charge or of such report, as well as an order to reply thereto within fifteen days by registered letter, or to appear before him at the Department of Public Instruction in Quebec, or in any other place indicated by him to declare whether he admits or denies the charges brought against him.

Proceedings  
on appear-  
ance.

If the teacher appear, the Superintendent shall then take his admission or denial which must be in writing; R. S. 1916.

Documents to  
be submitted  
to meeting.

2. The Superintendent shall submit the above mentioned documents at the next meeting of the committee; R. S. 1917, *in part.*

Proceedings  
by committee  
thereon.

3. If, after having taken communication thereof, the committee decide that an investigation should be held, it shall hear the witnesses, who shall be sworn by the chairman, or if it decide that an inquiry is not necessary, it dismisses the accusation; R. S., 1917, *in part.*

Submission of  
complaint to  
subcommit-  
tee, &c.

4. The complaint and the documents connected therewith may be submitted to a special or permanent subcommittee

which shall have the same powers as the committee which named it; R. S., 1917, *in part*.

5. If the committee or the special or permanent subcommittee, as the case may be, decide that the investigation should be held in the locality of, or in the immediate neighborhood of the locality of the persons interested and of the witnesses, it may appoint one or more commissioners to take the evidence of witnesses; R. S., 1918.

Appointment of commissioners to take evidence in certain cases.

6. The appointment of these commissioners is signed by the secretary of the committee of the council of Public Instruction from which it emanates; R. S., 1919.

Signature to appointment of commissioners.

7. The said commissioner or commissioners shall give the parties a notice, of at least eight days, of the time at which they must appear; R. S., 1920, *in part*.

Notice to be given by commissioners.

8. The said commissioner or commissioners shall swear the witnesses, and the evidence shall be taken and afterwards transmitted by him or them to the secretary, who shall lay it before the committee; R. S., 1920, *in part*.

Power to swear witnesses, &c.

9. If the teacher do not appear, or if he neglect to answer the charge, the committee or subcommittee, as the case may be, shall proceed by default against him, and shall take the evidence, or cause it to be taken; R. S., 1921.

Proceedings by default.

10. If the charge be not proved, the committee shall dismiss it, and, if it be proved, the committee shall revoke the diploma of such teacher, and cause his name to be struck from the book containing the names of teachers; R. S., 1922.

Decision of committee. Revocation of diplomas.

11. The costs of the inquiry if not paid, may be recovered, by action at law, against the losing party, brought by the Superintendent of Public Instruction; R. S., 1923, *in part*.

Recovery of costs of inquiry.

12. The certificate of the said commissioners establishing the amount of these costs shall be sufficient proof of their being due; R. S., 1923, *in part*.

Certificate as to costs.

13. After the lapse of two years from the revocation of his diploma, any teacher who establishes to the satisfaction of the committee which revoked the diploma, that his conduct has been satisfactory, and that he has completely satisfied the judgment to which he has been condemned, may be relieved of the sentence and restored to his functions as teacher; R. S., 1924.

Proceedings by teacher to be reinstated.

14. A diploma may be revoked a second time for the causes above-mentioned; but such second revocation is irrevocable, and such teacher cannot thereafter exercise the functions of a teacher. R. S., 1925.

Second revocation.

Effect thereof.

58. Each of the two committees may also, for one of the causes mentioned in the preceding article, after observing, in so far as applicable, the formalities prescribed in the said article, hold or cause to be held an inquiry into the conduct of any inspector of schools, and after such inquiry shall, if there

Inquiry into conduct of school inspector.

be occasion, forward all the documents to the Lieutenant-Governor in Council, recommending the cancelling of his commission.

Cancelling of inspector's commission thereafter.

The Lieutenant-Governor in Council may then cancel such inspector's commission, and the inspector so dismissed cannot afterwards hold such office. R. S., 1926, *mod.*

Duty of secretary :

**59.** It shall be the duty of the secretary of each committee :

To keep minutes ;

1. To keep a record of the proceedings of his own particular committee in a register ;

To report to committee, &c., certain matters ;

2. To report to his own committee and to the Superintendent of Public Instruction all documents coming into his hands or matters within his notice, which lie within the jurisdiction of his particular committee ;

To deposit correspondence, &c., in archives ;

3. To deposit, among the archives of the Department of Public Instruction, such record of proceedings, such correspondence and all documents in his possession ;

Enter names of persons receiving diplomas, &c.

4. Enter in a book kept for that purpose the name of each person who has received a diploma from a board of examiners or from a normal school, indicating the class and grade of the diploma and the language which the holder is authorized to teach, together with the date at which such diploma has been granted. R. S., 1902, 1912, § 6.

Power of committees to receive gifts, &c.

**60.** Each of the committees of the Council may receive by donation, legacy, or otherwise, by gratuitous title, money or other property, movable or immovable, which it may dispose of, in its discretion, for the purposes of education.

Each committee a corporation, &c.

Each committee constitutes a corporation for all the purposes for which it is authorized to acquire or to possess property in virtue of this act. R. S., 1936, *mod.*

Legacies made to council without indication of committee for which it was intended.

**61.** Every legacy made to the Council of Public Instruction, without indication by the testator of the committee for which he intended the same, shall be the property of the committee of the religion to which, at the time of his death, the testator belonged. R. S., 1937.

If testator neither Roman Catholic nor Protestant.

**62.** If the testator was neither a Roman Catholic nor a Protestant, the legacy shall be divided between the two committees, in the proportion of the Roman Catholic and Protestant populations of the Province. R. S., 1938.

Deposit of unexpended grants at end of fiscal year.

**63.** The sums of money granted to Roman Catholics or Protestants, for the purposes of public instruction, and not expended at the end of any fiscal year, shall be placed at the credit of the Superintendent of Public Instruction and paid by him, with the approval of the Lieutenant-Governor in Council, on the recommendation of the committee of the religious belief to which the said sums had been assigned.

The Superintendent shall every year furnish to the Legislature a statement of the amount of the said deposits, as well as of the sums withdrawn for each of the two committees. *R. S., 1889, am. and new.*

## SECTION III

## PROVISIONS APPLICABLE TO THE COUNCIL OF PUBLIC INSTRUCTION AND TO THE TWO COMMITTEES

**64.** The Council of Public Instruction and each of the two committees may fix the date of their sessions, their quorum, and regulate the manner of proceeding at their meetings. *R. S., 1900, 1901, in part, mod., 1912, § 1.*

Sessions, quorum and procedure of council and committees.

**65.** The president of the council and that of each committee have, on all questions, in case of a tie, a second or casting vote. *R. S., 1907.*

Casting vote of president.

**66.** Special meetings of the council and of each committee may be called by their president or the Superintendent. Such special meetings are called by a notice given, at least eight days before that fixed for the meeting, to each member thereof. *R. S., 1899, 1904, am.*

Calling of special meetings. Notice therefor.

**67.** When at least two members of the council or of one of the committees, in writing, require their president or the Superintendent to call a special meeting, he must convene such session in the manner prescribed by the preceding article. *R. S., 1905, am.*

Calling of meetings by two members.

**68.** Each Roman Catholic bishop, vicar apostolic, or administrator of a Roman Catholic diocese, if unable to be present at the meetings of the council, or at those of the committee of which he forms part, may appoint a delegate to represent him, and such delegate shall have all the rights of the person appointing him; and any other member may cause himself to be represented, for the same purposes and with the same effect, by one of his colleagues, who, in such case, may vote in his stead. *R. S., 1908, am. and new.*

Representation of absent members of committee or council.

**69.** The Council of Public Instruction and either committee may hold and cause to be held inquiries into all questions concerning education which come under their respective control. *R. S., 1941, am.*

Power to hold inquiries, &c.

**70.** The Council and each committee thereof may appoint subcommittees, or one or more delegates for the examination of all matters within their jurisdiction. Such subcommittees or delegates shall report their proceedings to the council or to the committee which appointed them. *R. S., 1909, in part.*

Appointment of delegates or subcommittees. Report to council or committee.

## CHAPTER FOURTH

## SCHOOL VISITORS

**71.** The Superintendent of Public Instruction is visitor of all schools in the Province. R. S., 1888, *in part, am.*

**72.** Any public school established in town or country, may be visited by the persons hereinafter mentioned, as often as they deem it requisite; but such persons shall visit only the schools of their own religious belief. R. S., 1950.

**73.** The following persons shall be school visitors for the whole Province:

- (a.) Members of the two Committees of the Council of Public Instruction;
- (b.) Judges of the Supreme Court, of the Court of Queen's Bench, and of the Superior Court, residing in the Province;
- (c.) Members of the Federal Parliament, residing in the Province.
- (d.) Members of the Legislature of Quebec;
- (e.) The secretaries of the Department of Public Instruction;
- (f.) The principals and the professors of normal schools.

School visitors in their own municipality.

2. The following persons shall be visitors only for the municipalities in which they reside:

- (a.) Members of the Council of Arts and Manufactures;
- (b.) The mayor and justices of the peace;
- (c.) The colonels, lieutenant-colonels, majors, and senior captains of the militia. R. S., 1951, *am.*

Priests and ministers visit schools.

**74.** Roman Catholic priests and Protestant ministers may visit the schools of any school municipality or part of a school municipality in which they exercise their ministry. R. S., 1951, *am.*

Communication of school documents to visitors.

**75.** School visitors shall be entitled to have communication of the regulations and other documents relative to each school, and to obtain any information concerning it. R. S., 1954, *in part.*

## CHAPTER FIFTH

## SCHOOL INSPECTORS

Appointment of schools inspectors.

**76.** The Lieutenant-Governor in Council may appoint school inspectors for public schools, selected from the persons who are qualified within the terms of article 78 of this act,



whose salary shall not exceed twelve hundred dollars per annum. R. S., 1942, *in part*, 1948, *am.*

**77.** Every inspector for public schools shall reside within the limits of his district of inspection, at the discretion of the Superintendent of Public Instruction. Residence of school inspectors.

In the performance of his duties, each school inspector or shall comply with the instructions given to him by the Superintendent of Public Instruction, and conform to the regulations adopted by the committee of the Council of Public Instruction of the religious belief to which he belongs. Inspectors to comply with instructions of Superintendent, &c.

He can hold no office under the control of the school commissioners or trustees of any municipality in his district of inspection. R. S., 1945, *in part*, *am.* Not to hold office under commissioners in his district.

**78.** To be appointed school inspector, it is necessary : Qualifications of schools inspectors.

1. To have attained the age of at least twenty-five years ;
2. To have obtained a certificate or diploma for an academy or model school ;
3. To have taught school during at least five years ;
4. Not to have discontinued teaching for more than five years.

5. To have successfully passed an examination in accordance with the regulations upon this subject adopted by either committee of the Council of Public Instruction, as the case may be. R. S., 1944, *in part*.

**79.** The inspectors of Roman Catholic schools for the inspection district of Saguenay and the Magdalen Islands, and the inspectors of Protestant schools for the inspection district of Gaspé and the Magdalen Islands, may be exempted from the above prescribed formalities. R. S., 1944, *am.* Certain inspectors exempt from provisions of article 78.

**80.** The principal duties of inspectors of public schools are : Duties of school inspectors.

1. To visit the public schools of each school municipality in their district of inspection ;
2. To examine the registers of the school commissioners or trustees and the presence roll of the schools of each school municipality under their control ;
3. To examine the accounts of the secretary-treasurers of the school municipalities under their control, and to assure themselves whether the procedure prescribed by articles 332 and following of this act has been observed.
4. To ascertain whether the provisions of the school law and regulations are there carried out and obeyed ;
5. To conform to the provisions of the school law and regulations which concern them. R. S., 1942, *am.*

**81.** Any school inspector may oblige secretary-treasurers and teachers under his control, under a penalty of eight Inspection documents by inspector.

dollars for every refusal or neglect, to exhibit to him all the documents in their charge relating to their offices. R. S., 1946, *mod.*

May be sent to visit school's in another district.

**82.** Upon the order of the Superintendent of Public Instruction, any school inspector may visit the schools in a district of inspection other than his own. R. S., 1953, *in part, mod.*

Costs of inspection in certain cases.

**83.** Whenever an inspector is appointed by the Superintendent of Public Instruction to make an inspection, inquiry or investigation, unless such inspection, inquiry or investigation takes place at the time of his ordinary visit to the schools of the municipality, his travelling and other disbursements and any remuneration which the Superintendent of Public Instruction considers he should allow him, may be paid him. R. S., 1949, *am.*

## CHAPTER SIXTH

### CENTRAL BOARD OF EXAMINERS

Appointment of Central Boards of Examiners.

**84.** The Lieutenant-Governor in Council may, upon the recommendation of the Roman Catholic or Protestant Committee, as the case may be, constitute by proclamation a Roman Catholic Central Board of Examiners and a Protestant Central Board of Examiners for the examination of candidates of each of the two religious beliefs for teachers' diplomas.

Issue of diplomas by Central Board of Examiners.

This Board may issue diplomas valid for the elementary, model, academy and kindergarten schools under the control of the committee which recommended its appointment. R. S., 1966.

Composition of Board.

**85.** The Central Board of Examiners shall be composed of not less than five nor more than ten members, and a secretary, who are appointed by the Lieutenant-Governor in Council, upon the recommendation of the Roman Catholic or Protestant Committee, as the case may be.

President of Board.

It selects its president. R. S., 1967, *am.*

Government of Board.

**86.** The Central Board of Examiners is governed by the provisions of this act and the regulations of the committee which recommended its appointment.

Expenses of Board.

Salary of secretary.

The fees exacted from the candidates are employed in paying the expenses of the board, which shall fix the salary of its secretary. R. S., 1969, *in part, am.*

**87.** The Central Board of Examiners shall :Duties of  
Central  
Board.

1. Prepare or cause to be prepared the examination questions upon the various subjects of the programme ;

2. Appoint deputy examiners to supervise the examination, and cause the questions to be submitted to the candidates to be sent to them ;

3. Make a careful examination of the answers given by the candidates and deliver, to those deserving the same, certificates of efficiency, which shall be signed by the president and secretary, and to which shall be affixed the seal of the Department of Public Instruction ;

4. Cause to be entered, in a register to be kept for the purpose, the names and surname of each teacher admitted, the class and degree of his diploma, the language or languages which such diploma gives the right to teach, and the standing obtained ;

5. Have a register in which the proceedings of each session are entered, which shall be signed by the president and the secretary ;

6. Cause to be registered, by its secretary, the certificates of age, morality and capacity which have been produced by the successful candidates ; and the secretary shall also prepare and address the diplomas and perform all the duties which his office requires.

7. Make use of the forms of diploma, which shall be supplied by the Superintendent of Public Instruction. R. S., 1962, §§ 7, 11, 12, 1968, *am.*

**88.** Candidates for the various diplomas must, previous to the examination, comply with the requirements of the programme which either committee of the Council of Public Instruction, as the case may be, may, from time to time, establish, with the approval of the Lieutenant-Governor in Council. R. S., 1913.

Duties of can-  
didates for  
examination.

**89.** The secretary of the Central Board of Examiners shall, during the sixty days following the examination, transmit to the Superintendent of Public Instruction a list of the candidates received, mentioning the class and degree of their diploma, the language or languages which it gives the right to teach and the standing obtained. R. S., 1962, § 10, *am.*

Duty of sec-  
retary after  
examination.

**90.** The Central Board of Examiners shall yearly send to the Superintendent of Public Instruction a detailed statement of the receipts and expenditure for each session. *New.*

Statement of  
receipts, &c.,  
to be sent to  
Superintend-  
ent annually.

**91.** The Superintendent of Public Instruction, or any person delegated by him, may examine the registers, books and all other documents of boards of examiners. *New.*

Examination  
of register,  
&c., by Su-  
perintendent,  
&c.

Duties may be modified by Lieutenant-Governor in Council.

**92.** The Lieutenant-Governor in Council may, upon the recommendation of either committee of the Council of Public Instruction, as the case may be, modify the details of the duties imposed upon boards of examiners. R. S., 1963, *in part*.

Teachers to hold diplomas.

**93.** Unless he has obtained a diploma in virtue of some provision of this act, every person, to be enabled to teach in any school under the control of school commissioners or trustees, must be provided with a diploma from a board of examiners, saving nevertheless, ministers and members of either sex of a religious corporation constituted for educational purposes, who are exempt.

Exception.

Power of Protestant Committee to withdraw privilege.

The Protestant Committee of the Council of Public Instruction may, however, by resolution, declare that the persons of its religious belief so exempted shall no longer enjoy such exemption; and after the date of such resolution the privilege granted by this article shall no longer exist for such persons. R. S., 1959, 1960, *am.*

## TITLE SECOND

SCHOOL MUNICIPALITIES AND DISTRICTS—DISSENTIENTS—SCHOOL CORPORATIONS—SCHOOL COMMISSIONERS AND TRUSTEES—NOTICES—TRUSTEES OF DISSENTIENT SCHOOLS—SECRETARY—TREASURERS OF SCHOOL COMMISSIONERS AND TRUSTEES

## CHAPTER FIRST

### SCHOOL MUNICIPALITIES AND DISTRICTS

#### SECTION 1

#### SCHOOL MUNICIPALITIES

Each school municipality to contain one or more schools.

**94.** Each school municipality in the Province shall contain one or more public schools, under the control of school commissioners or trustees. R. S., 1970, *mod.*

Inhabitants to be under jurisdiction of school commissioners or trustees.

**95.** The inhabitants of each school municipality, unless otherwise provided by special statutes, are, for the purposes of this act, submitted to the jurisdiction of school commissioners or trustees elected or appointed for such municipality. R. S., 1972, *am.*

**96.** The Lieutenant-Governor in council may, at the request of the interested parties and upon the recommendation of the Superintendent of Public Instruction, erect school municipalities, divide such municipalities and alter the limits of those already existing. R. S., 1973, *in part, am.*

Power of Lieutenant-Governor, to erect, &c., school municipalities.

**97.** The erections, divisions, or alterations of the limits of school municipalities may apply only to the Roman Catholics or the Protestants, as the case may be, comprised within their territory. In such case, the notice to be given by the Superintendent of Public Instruction in the *Quebec Official Gazette*, as stated in the following article, shall make mention of the fact. R. S., 1973, *in part, am.*

Erections, &c., may apply to Roman Catholics or Protestants only. Notice in such case.

**98.** When the request for the erection, the division, or the alteration of the limits of a municipality is addressed to him, the Superintendent of Public Instruction shall so inform the corporations concerned, requiring them without delay to make their objections, if any they have, and, fifteen days after they have given this information, he shall, if the erection, division, or alteration prayed for seems to him to be expedient, publish a notice respecting such application in two consecutive numbers of the *Quebec Official Gazette*; but such alteration, division, or erection of a school municipality shall not apply to the dissentient minority existing in any municipality affected by the alteration, division, or erection unless the trustees have consented thereto. R. S., 1973, *in part, am.*

Duty of Superintendent when request for erection, &c., submitted to him to notify corporations concerned. Notice if granted.

Not to apply to dissentient minority.

**99.** Erections or alterations of the limits or divisions of school municipalities cannot be granted until fifteen days after the last publication of the notice mentioned in the preceding article. They do not take effect until the first day of July following the date of the order in council granting them.

Delay before erection, &c., to be granted. When to take effect.

Notice of such erections, alterations in the limits, or divisions of municipalities shall be published in the *Quebec Official Gazette*. R. S., 1971, 1973, *in part, am.*

Notice to be published

**100.** The Superintendent of Public Instruction may require that the costs incurred by the erection, alteration of the limits, or division of a municipality be guaranteed by the persons applying for the same. R. S., 1973, *in part, am.*

Security for costs to be incurred may be required.

**101.** The costs occasioned by the annexation of any territory to a school municipality are at the charge of the municipality to which such territory is annexed. R. S., 1973, *in part, am.*

Costs of annexation at whose charges.

**102.** The rate-payers, whose properties are detached from one municipality to form a new municipality or to be annexed

Taxes payable by rate-

payers whose properties are detached from one municipality. to another, are obliged to pay all special taxes that have been imposed in the municipality in which such properties were before the application made by them to be detached from the said municipality. *New.*

**Division of debts and assets of municipality divided, &c.** **103.** When a municipality is divided owing to the formation of a new municipality or the annexation of its territory to a municipality already existing, the debts or assets, as the case may be, are divided *pro rata* to the valuation of the real estate.

**Rule as to minority.** The same rule applies when the religious minority declares itself dissentient. *New.*

**Election of school commissioners in new municipality.** **104.** In the case of an erection of a new municipality, the rate-payers of the said municipality shall, upon the first Monday, or if that be impossible, upon one of the other juridical Mondays of the month of July following the publication of the notice of such erection in the *Quebec Official Gazette*, elect their school commissioners in the manner prescribed in articles 150 and following of this act. If not, such school commissioners are appointed by the Lieutenant-Governor in council, upon the recommendation of the Superintendent of Public Instruction. R. S., 1974.

**Appointment in default of election**

**Inquiry into affairs of abolished municipalities.** **105.** When, by the erection of one or more municipalities, the municipality or the municipalities from which they have been detached cease to exist, or if one or more municipalities are abolished by their annexation to one or more neighboring municipalities, or by the union of two or more municipalities, the Superintendent of Public Instruction, if a demand be made upon him by five interested rate-payers during the six months which follow such annexations or abolitions of municipalities, or any other person appointed by him for that purpose, may enquire into the state of affairs of the abolished municipalities. R. S., 1975, *am.*

**Notice to be given by person holding inquiry, &c.** **106.** The person charged with the said inquiry shall give a notice of at least eight days to the school commissioners or trustees, as the case may be, of the old and new municipalities interested, of the place where and of the day and hour when the examination in question will be proceeded with, so that they may be present or be represented thereat.

**Powers of such person.** For the purposes of the inquiry, the person holding it shall have all the powers conferred by article 44 of this act upon the Superintendent of Public Instruction himself. R. S., 1976, *in part.*

**Decision of Superintendent.** **107.** The Superintendent of Public Instruction, after having heard the interested parties, or upon the report of the person whom he has delegated in his stead for that purpose, shall give his decision, which shall have the effect of an

award of arbitrators, and shall be final and without appeal.  
R. S., 1976, *in part*.

**108.** Until the Superintendent of Public Instruction has made his award above-mentioned, the school municipalities interested shall remain in the same state, and the commissioners or trustees shall remain vested with the same rights and powers, as before the said abolition and annexation, as regards the management of the schools; but they cannot contract any new debt or obligation. R. S., 1977, *in part*.

Pending award school municipalities interested to remain *in statu quo*.

**109.** If the Superintendent of Public Instruction decides that the school commissioners or trustees of the abolished municipality shall pay a part of their debts, or do anything whatever which requires the continuation of the existence of their school municipality, he shall expressly so declare it in his award. In such case, the school municipality or municipalities in question shall, for the purpose of carrying out the said award, continue to exist as if the abolition of such municipalities and annexation of its territory had never taken place, and may levy taxes until the said award shall be completely carried out, without prejudice to the right of the new school municipality or municipalities to levy and recover taxes, according to the provisions of the law, from the rate-payers under their control. R. S., 1977, *in part*.

Continuation of abolished municipality until award is carried out.

**110.** The school municipality or municipalities, which shall so continue their legal existence for the purpose of carrying out the said award, shall every year, on or before the first day of July, make a report to the Superintendent of Public Instruction of all that has been done in carrying out the award, until the Superintendent declares the award completely carried out.

Report by such school municipalities to Superintendent, &c., until he declares award carried out.

From the day of the publication of such declaration in the *Quebec Official Gazette*, such school municipality or municipalities shall cease to have any legal existence. R. S., 1978, *am.*

Notice in *Quebec Official Gazette* and effect thereof.

**111.** The Superintendent of Public Instruction may, in the said award, order that the new school municipality or municipalities shall have the right to levy, upon the territory from which they have been detached, or upon the abolished municipality or municipalities, a special tax in addition to the ordinary school tax, during one or more years; and then the said tax so levied may be recovered at the same time and in the same manner, and with the same rights and privileges as the ordinary school taxes, whether the new school municipality or municipalities have or have not a special school law.

What Superintendent may order in award.

Proof in suits  
for recovery  
of tax.

In all proceedings for the recovery of such special tax, an extract from the award, with the certificate of the chairman of the school municipality interested, or of the clerk of the corporation charged with the collection, shall be proof of the existence of the tax in question. R. S., 1979.

## SECTION II

## SCHOOL DISTRICTS

Division into  
school dis-  
tricts.

**112.** The school commissioners and trustees shall divide their respective municipalities into school districts which they shall designate by numbers.

Alteration of  
limits, &c.

They may also, whenever they deem expedient, alter, by resolution, the limits of districts already existing and erect new ones or divide them. R. S., 1981, *in part*.

Certain mu-  
nicipalities  
need not be  
divided.  
If divisions  
made may  
be cancelled.

**113.** School commissioners or trustees need not divide into school districts the incorporated cities, towns or villages, erected into school municipalities. If such division has already taken place, they may, by resolution, annul it, in which case the whole of such school municipality shall form one school district. R. S., 1983, *mod*.

Description  
of school dis-  
trict to be  
entered in  
minutes.

**114.** A description of the limits assigned to each district shall be entered in the register of proceedings of the school board. R. S., 1981, *in part*.

District to  
contain  
twenty chil-  
dren.  
Exception.

**115.** To be established, a school district shall contain at least twenty children from five to sixteen years of age.

The commissioners or trustees may, for special reasons, however, establish one school district containing a smaller number of children. R. S., 1984, *mod*.

Size of dis-  
tricts.  
Exception.

**116.** No district shall exceed five miles in length or breadth, unless the school commissioners or trustees have provided means for the transport of the children to the school, in conformity with the provisions of article 118 of this act. R. S., 1981, *in part and new*.

A school to  
be in each  
district.  
Proviso.

**117.** The school commissioners or trustees shall take care that there be, as far as possible, a school in each district; but they may, when they deem it necessary, unite two or more districts for the same school, and again separate them.

Superintend-  
ent to be noti-  
fied.

The Superintendent of Public Instruction shall, in either case, be notified of any such changes. R. S., 1982.

Conveyance  
of pupils to  
and from  
school in cer-  
tain cases.

**118.** When the commissioners or trustees unite two or more school districts to maintain one school, or when a district is too extended, they may make arrangements for



the conveyance to and from school of the pupils living at a distance. *New.*

**119.** The school commissioners or trustees may, with the authorization of the Superintendent of Public Instruction, build and maintain two or more school-houses in each district in their municipality. *R. S., 2050, mod.*

Two or more schools in one district.

**120.** Children domiciled in a district in which there is a school in operation cannot attend the school in another district in the municipality, except under special permission of the school commissioners or trustees, as the case may be. But any rate-payer in a district in which there is no school in operation, may send his children to the school in a neighboring district in the same municipality, upon payment of the monthly fee charged for children of the latter district. *R. S., 2070, am.*

Children to attend school in their own district.  
Exception.

**121.** Any child may attend the model school or academy in his municipality. But no child resident outside the district in which such school is situated can attend the same if he has not the attainments required to follow the model or academy course. *New.*

Attendance at model school, &c.

**122.** Model schools, academies and girls' schools established in virtue of articles 272 and 273 of this act, are each considered as a school district. *R. S., 2181, in part.*

Certain schools to be considered as separate districts.

## CHAPTER SECOND

### DISSENTIENTS

**123.** In any school municipality, any number of proprietors, occupants, tenants or rate-payers professing a religious belief different from that of the majority of the rate-payers of such municipality, may give, to the chairman of the school commissioners, a notice in writing by which they inform him of their intention to withdraw from the control of the school commissioners in order to form a separate corporation under the administration of school trustees. *R. S., 1985, in part, mod.*

Declaration of dissent.

**124.** The notice of dissent shall be made in triplicate, and be, before the first of May, served upon the chairman of the commissioners or upon their secretary and upon the Superintendent of Public Instruction, and shall be signed by all the rate-payers who wish to be dissentients.

Notice to be in triplicate, &c., signed by all dissentients.

One copy of such notice shall be deposited and kept in the archives of the trustees. (*See Form No. 6.*) *R. S., 1985, in part, mod.*

Copy to be kept in archives of trustees.

When dissent  
takes effect.

**125.** The dissent shall take effect only on the first of July following the date of the service of the notice mentioned in the preceding article, except in the case of the erection of a new school municipality as provided in article 130 of this act. R. S., 1985, *in part*.

After notice,  
*status quo*  
maintained  
until after  
annual elec-  
tions.

**126.** When a notice of dissent is served in conformity with article 123 of this act the *status quo* is maintained until the ordinary time for the annual elections, and at that date the dissentients shall elect three trustees, following the method prescribed by articles 154 and following of this act. R. S. 1986, *in part*.

Organization,  
if minority  
become the  
majority.

**127.** When, in any municipality, the rate-payers who belong to the religious denomination of the dissentients become the majority, they may organize themselves as a corporation of school commissioners.

Notice for  
that purpose  
and service  
thereof.

For that purpose, they shall give a notice in triplicate, like the notice of dissent, which shall be served upon the chairman of the commissioners and upon the Superintendent of Public Instruction, on or before the first of May. (*See Form No. 8.*)

After notice,  
*status quo*  
maintained  
until after  
election.

The *status quo* is maintained up to the month of July following, and at that date an election is held in the usual way for the election of five school commissioners, either for all the rate-payers, if the former majority, which has become the minority, has not declared itself dissentient in accordance with the following article, or for the religious majority, if the minority has declared itself dissentient. R. S., 1987, *mod.*

Declaration  
of dissent by  
former major-  
ity.

**128.** When the dissentients have declared their intention of organizing themselves as a corporation of school commissioners, in accordance with the preceding article, the former majority, which has become the minority, may at once declare itself dissentient, by giving notice to the Superintendent of Public Instruction and to the chairman of the trustees. (*See Form No. 7.*)

When notice  
to be served.

The notice of dissent must, in such case, in order to have effect the same year, be served on or before the fifteenth of June.

Election of  
trustees.

In the month of July following, the new dissentients elect their school trustees in the usual manner.

If notice not  
served within  
prescribed  
delay.

If the notice of dissent is not served before the fifteenth of June, the minority is governed by the school commissioners until it declares itself dissentient, in the manner prescribed by articles 123 and following of this act. R. S., 1987a, *mod.*

Liability of  
dissentients  
for taxes.

**129.** Dissentients are not liable for any taxes or school-rates which may be imposed by the school commissioners,

except for the assessments for the then current year, or those for the building of any school-house previously contracted for, or for the payment of debts previously incurred, provided always, that such assessments are imposed within six months from the date of the receipt of the declaration of dissent. R. S., 1988, *in part*. Proviso.

**130.** In the case of newly organized municipalities, if the declaration of dissent be served upon the chairman of the school commissioners within thirty days after the organization of the school corporation, the dissentients shall not be liable for any taxes imposed by the school commissioners. Dissentients not liable for taxes in certain cases.

During the thirty days which follow the service of the declaration of dissent, the dissentients elect their trustees in the manner prescribed by article 150 and following of this act. R. S., 1988, *in part, am.* Election of trustees.

**131.** The dissentients in any municipality who, as such, form a school corporation may, upon their application, with the approval of the Superintendent of Public Instruction, unite with a neighboring school municipality of their religious belief, either completely or only for the purpose of sending their children to school. Dissentients may unite.

In the case of a complete union, the school funds of the dissentient municipality which applied for the union shall be remitted to the school municipality to which it has been united, and the territory comprised in such municipality shall form part of the municipality to which it has been united for all school purposes. Case of complete union.

If the union is only for the purpose of sending the children of dissentients to the schools of a neighboring school municipality, the school trustees of the municipality who have applied for the union, shall continue to collect the school taxes from the rate-payers bound to the payment thereof, but shall be bound to remit the amount to the school municipality to which they are united within sixty days after the taxes have become due and payable. If union for purpose of sending children to other city school only.

In both cases above-mentioned, there shall be but one rate of taxation for school purposes for the two municipalities. Rate of taxation in such case.

Such union may be cancelled by the Superintendent of Public Instruction upon the petition of either school municipality after twelve months' notice to that effect published in two consecutive numbers of the *Quebec Official Gazette*. R. S. 1989, *am.* Cancellation of union.

**132.** Any number whatever of the proprietors, occupants, tenants and rate-payers of a township or parish, divided into two or more school municipalities, professing a religion different from that of the majority of the said township or parish, Notice of dissent by proprietors &c., in township or parish divided into

two or more municipalities.

may dissent and maintain one or more dissentient schools situated in the said township or parish, by giving notice in writing to the chairman of the school commissioners of their respective municipalities according to the mode prescribed by article 124 and following of this act.

Election of trustees.

In the month of July following the date upon which the above mentioned notice was given such dissentients shall elect three school trustees.

Trustees to maintain school in such parish, &c.

The trustees shall maintain, under their immediate control, or subsidize a school of their own religious belief situated in the said township or parish. R. S., 1990, §§ 1, 2, *mod.*

In certain cases and with certain formalities, corporation of trustees may be declared extinct.

**133.** Whenever the trustees of a dissentient school municipality shall have been a year without schools, either in their own municipality or jointly with other school commissioners or trustees in an adjoining municipality, or when it is shown that they are taking no steps toward obtaining schools, the Superintendent of Public Instruction, after giving three consecutive notices in the *Quebec Official Gazette* to that effect, three months after the publication of the first of the said notices, may recommend the Lieutenant-Governor in Council to abolish the corporation of trustees of dissentient schools for such municipality. R. S., 1991, § 1.

Effect of such abolition.

**134.** When the abolition of a corporation of trustees is granted, a notice to that effect shall be published by the Superintendent of Public Instruction in the *Quebec Official Gazette*, and, after the publication of the said notice, the rate-payers who were, up to that time, under the control of the trustees, shall then be subject to all taxes levied by the school commissioners, and shall be further held to pay to the latter a sum equal to their share of all school taxes and assessments levied by the commissioners during all the time for which the said dissentient trustees had neglected to keep one or more schools in operation.

The publication of the notice in the *Quebec Official Gazette* is made at the expense of the school board that has applied for the dissolution of the dissentient school corporation. R. S., 1991, § 2, *am.*

Minority may, one year thereafter, again form new corporation.

**135.** One year after the publication in the *Quebec Official Gazette* of the notice of the dissolution of such dissentient school corporation, any number whatever of proprietors, tenants, occupants or rate-payers professing a religious faith other than that of the majority of the residents of such municipality may again form a new corporation as provided by the provisions of articles 123 and following of this act. R. S., 1992, *am.*

**136.** Whenever there is no dissentient school in a municipality, any resident head of a family professing a religious belief other than that of the majority of the residents in the said municipality, and having children of school age, may declare, in writing, to the chairman of the school commissioners, observing the formalities prescribed by article 123 and following of this act, that he intends to support a school in a neighboring municipality, provided that his children attend such school. R. S., 1993, *am.*

Contribution by dissentients to school in adjoining municipality.

**137.** From the first of July following the service of the declaration mentioned in the preceding article, such head of a family shall pay his taxes to the commissioners or trustees, by whom the school to which he contributes shall be maintained; but the reports of the school boards, under whose control such school is, shall make special mention of children belonging to such neighboring municipality, and such children shall not be taken into account in apportioning the school grants between the commissioners and trustees. R. S., 1993, *am.*

Payment of taxes in such case and how to be taken notice of.

**138.** Whenever, in any municipality, the dissentients are not sufficiently numerous in any district to establish a school, children from such district may attend another school in another district of their municipality of the same religious belief. R. S., 1995, *am.*

Children from other school districts may attend dissentient schools.

**139.** Any rate-payer professing a religion different to that of the majority of the inhabitants of any municipality, may become a dissentient, and any dissentient may, in like manner, declare his intention of ceasing to be a dissentient, by giving simultaneously to the chairmen of the school commissioners and trustees or to their secretaries, and to the Superintendent of Public Instruction, a notice to that effect before the first of May, subject, however, in either case to the restrictions of article 129 of this act. R. S., 1996, *in part, am.*

Members of religious minority may become or cease to be dissentients, on giving notice.

**140.** The receipt, by the chairman of the commissioners and by the chairman of the trustees or by their secretary, of the notice which must be made, in either of the cases mentioned in the preceding article, shall be sufficient to place the rate-payer serving such notice under the control of commissioners or trustees, as the case may be, from the first of July after the service of the notice of dissent or withdrawal thereof. R. S., 1996, *in part, am.*

Effect of receipt of declaration by chairman of commissioners or trustees.

## CHAPTER THIRD

## SCHOOL CORPORATIONS

School commissioners and trustees to be a corporation.

**141.** The school commissioners and trustees in each municipality shall be a corporation under the name of "The school commissioners (or trustees) for the municipality of \_\_\_\_\_ in the county of \_\_\_\_\_ (or in the counties of \_\_\_\_\_ if a municipality be situate partly in several counties.)"

Succession

They shall have perpetual succession.

Rights and powers.

They may sue and be sued, and shall generally have the same powers which any other body politic and corporate has with regard to the purposes for which they were constituted. R. S., 2019, *mod.*

School corporation not to cease for want of commissioners or trustees. Property, &c., how then held.

**142.** No school corporation shall cease by reason of the want of school commissioners or trustees; but when there are no longer any school commissioners or trustees, the powers of the corporation, as regards the possession of any property, moveable or immoveable, shall become vested, in trust, in the Superintendent of Public Instruction, or in his default, in the Lieutenant-Governor in Council, until a school board has been reorganized. R. S., 2034, *in part, am.*

Administrative acts to be made under resolution.

**143.** All administrative acts of school commissioners and trustees shall be made in virtue of resolutions adopted at regular sessions of their school board. *New.*

Powers, &c., of commissioners equal to those of trustees.

**144.** Any powers conferred or any obligation imposed upon any school commissioners also apply to trustees of dissentient schools in reference to the school municipalities under their control. R. S., 1862.

## CHAPTER FOURTH

## SCHOOL COMMISSIONERS AND TRUSTEES

## SECTION I

## QUALIFICATIONS REQUIRED TO BE A SCHOOL COMMISSIONER OR TRUSTEE

Qualifications of school commissioners and trustees.

**145.** Every Roman Catholic *curé* or every minister of any other religious faith ministering in the school municipality, although not qualified with respect to property, and all male resident rate-payers, able to read and to write, qualified to vote under article 148 of this act, are eligible as school commissioners or trustees. R. S., 2006, *in part, am.*; 55-56 V., c. 35, s. 1.

**146.** In any municipality in which there is a corporation of school trustees, individuals of the minority, who have declared themselves to be dissentient, shall not be elected as school commissioners; and those of the majority shall not be elected as school trustees. R. S., 2006, *mod*; 55-56 V., c. 35, s. 1. Dissentient's not to be elected commissioners, &c.

**147.** No person holding an office to which he has been appointed by a school board in virtue of this act, nor one who has a contract for such corporation, nor one who is in the condition provided for by article 313 of this act, shall be a member of such school board. R. S., 2007, *am*. Persons who cannot become members of school boards.

## SECTION II

### QUALIFICATIONS REQUIRED TO BE AN ELECTOR

**148.** To have a right to vote at any election of school commissioners or trustees, it is necessary to be proprietor of real estate, or to be proprietor of the buildings only upon a lot of land belonging to another, to be entered as such upon the valuation roll, and to have paid all school contributions. R. S., 2005, *in part, am*. Who may vote.

2. In any municipality in which there is a corporation of school trustees, individuals of the minority who have declared themselves to be dissentient, shall not vote at the election of school commissioners; and those of the majority shall not vote at the election of school trustees. R. S., 2006, *part*. Dissentients not to vote at elections of school commissioners, &c.

**149.** Whoever votes without having the qualifications required to be an elector, incurs a penalty of twenty dollars. R. S., 2005, *in part, am*. Penalty for voting when not qualified.

## SECTION III

### MEETING FOR THE ELECTION OF SCHOOL COMMISSIONERS AND TRUSTEES

**150.** Unless otherwise provided by some special provision of this act, on the first juridical Monday in July in each year, there shall be held in each municipality for the election of school commissioners or trustees a general meeting of all the rate-payers qualified to vote at an election of school commissioners or trustees. R. S., 1997, *in part, am*. Annual meeting for election of school commissioners or trustees.

**151.** The secretary-treasurer of the school commissioners or trustees shall be bound to convene the annual meeting or any special meeting for the election of commissioners or trustees by public notice given in the manner prescribed by articles 277 and following of this act, seven clear days at least before the day fixed for the meeting; in case he neglects so to do, he is liable to a fine of not less than five dollars nor more than twenty dollars. Secretary-treasurer to convene meeting for election.

Hour and place of meeting to be indicated in notice.

Such meetings shall be convened for ten of the clock in the morning at a central place in the municipality, which shall be indicated in the notice of convocation given for that purpose. (*See Form 3.*) R. S., 1997, 1999, 2003, *in part, am.*

Chairman to act in case of absence, &c., of secretary-treasurer.

**152.** In the case of an annual meeting, if there be no secretary-treasurer or if he be absent from the municipality or incapable of acting, the meeting shall be convened by the chairman of the school commissioners or trustees, and in default of either, by the senior member of the school board. R. S., 1999, *in part.*

Chairman of meeting.

**153.** The chairman of each annual meeting for the election of school commissioners or trustees shall be chosen from among the rate-payers of the school municipality, able to read and write, and appointed for that purpose by a resolution of the commissioners or trustees, as the case may be. He may be chosen from the members of the school board who do not go out of office that year.

Secretary-treasurer to act in certain cases.

If the appointment of a presiding officer has not been made, or if the person appointed to perform this duty is absent or unable to act, the secretary-treasurer of the school board shall preside over the meeting. R. S., 2001, *mod.*

Election of five commissioners or three trustees at meeting, &c.

**154.** At the meeting above-mentioned, the rate-payers, qualified to vote in virtue of article 148 of this act, shall elect five school commissioners or three school trustees, as the case may be, who are able to read and write, or the number of commissioners or trustees necessary to fill the vacancies caused by the retirement of such commissioners or trustees who are to go or have gone out of office. R. S., 2004, *in part, am.*

If meeting not held on first Monday in July.

**155.** When the annual general meeting for the election of school commissioners or trustees cannot be held on the first juridical Monday in July, such meeting and election may be postponed to any juridical Monday in the same month, by observing the same formalities. R. S. 1998.

Convocation of first meeting.

**156.** If the meeting be the first held in the municipality for the election of a board of school commissioners or trustees, it shall be convened by a resident justice of the peace, or, in default of a justice of the peace, by any three proprietors of real estate, by observing the formalities prescribed by article 151 of this act. R. S. 2000.

Chairman of first meeting.

**157.** The first meeting for the election of school commissioners or trustees is presided over by a rate-payer of the municipality, able to read and write, selected by those who compose the meeting. R. S. 2001, *in part.*



## SECTION IV

## ELECTION OF SCHOOL COMMISSIONERS AND TRUSTEES

**158.** The presiding officer, after having opened the meeting, requests the electors present to propose those persons whom they wish chosen as school commissioners or trustees. After opening of meeting nominations called for.

He is bound to nominate as candidates the names of all persons submitted to him, whether verbally or in writing, by at least two electors present. R. S., 2002, § 1 and part § 2. Presiding officer bound to accept nominations.

**159.** No one can be nominated for election unless, at the time, his name and surname, as well as the names and surnames of the electors who propose him, are given. R. S., 2002, § 2, in part. How nominations are made.

**160.** The nomination of candidates shall take place during the first hour after the opening of the meeting. *New.* When to be made.

**161.** One hour after the opening of the meeting, the chairman proclaims elected the candidate or those of the candidates who are unopposed, and when two or more candidates are proposed in opposition, he proceeds without delay to the registration of the votes of the electors. R. S., 2002, §§ 3, 4 in part, mod. After first hour, chairman to proclaim elected those who are unopposed, and proceeds with election for the others.

**162.** When voting takes place, the chairman shall enter or cause to be entered, in a register kept for that purpose, and in the order in which they are given, the votes of the electors, indicating the names and qualities of each. R. S., 2002, § 6. If voting takes place, votes to be entered in book.

**163.** Each page of the poll-book shall be numbered in writing and initialed by the person presiding over the election. R. S., 2002, § 10. Pages of book to be numbered, &c.

**164.** Every elector may vote for as many candidates as there are school commissioners or trustees to be elected in the municipality. R. S., 2002, § 7. Number of votes of each elector.

**165.** Any person tendering his vote must make the following declaration before the presiding officer, if required so to do by him, by any elector, by any candidate, or by the representative of any candidate : If required, elector must take oath.

“ I swear (or affirm) that I am qualified to vote at this election, that I am at least twenty-one years of age, that I have paid all school taxes due by me, and that I have not already voted at this election : So help me God.”

If he refuses,  
his vote must  
be refused,  
&c.

If such elector refuse to take such oath, his vote must be refused and he cannot again present himself to vote at the election. R. S., 2002, § 8, *am. and new.*

Entry in poll-  
book in case  
oath has been  
taken, &c.

**166.** If an elector take the required oath, 'or refuse to take the same, or if objection be made to his vote, mention of each of these facts must be made in the poll book, in the following terms: "Sworn," "Refused," or "Objected to," as the case may be. R. S., 2002, § 11.

Appointment  
of interpret-  
er.

**167.** Whenever the presiding officer does not understand the language spoken by one or more of the electors, he must appoint an interpreter, who before acting as such takes the following oath before the said presiding officer :

Oath.

"I swear (or affirm) that I will faithfully translate the oaths, declarations, affirmations, questions and answers which the presiding officer shall require me to translate respecting this election : So help me God." R. S., 2002, § 9.

Close of elec-  
tion if one  
hour have  
elapsed with-  
out any votes.  
Proviso.

**168.** If, at any time after the votes have commenced to be polled, one hour elapses without any votes having been polled, the presiding officer must close the election. Nevertheless, if a declaration under oath is given to the presiding officer that an elector has been prevented from approaching the poll by violence, the election cannot be closed until the expiration of one hour after such violence has ceased. M. C., 324.

Vote of pre-  
siding officer  
in case of tie.

**169.** In case of an equal division of votes in favor of two or more of the candidates, the presiding officer is bound to vote immediately for one or other candidate, under a penalty of not less than twenty or more than fifty dollars. R. S., 2002, § 13.

Certificate of  
number of  
votes given  
to be made at  
close of elec-  
tion, &c.

**170.** At the close of the election, which shall be at five o'clock in the afternoon, except in the case provided for by article 168 of this act, the presiding officer must certify, under his signature, on the poll-book, the total number of votes entered, from the first to the last entry in the book, and also the total number of votes given for each of the candidates, and then he declares such of the candidates as have obtained the largest number of votes duly elected. R. S., 2002, §§ 12, 14, 2003.

Commission-  
ers & trustees  
when elected  
bound to  
serve.  
Proviso.

**171.** The school commissioner or the trustee so elected is bound to accept office and cannot retire before the expiration of his term. Nevertheless members of the Roman Catholic or Protestant clergy, persons over sixty years of age, and all who have been commissioners or trustees within

four years, may refuse to accept office, or, having accepted, may afterwards resign. R. S., 2004, 2008 *in part*, *am.*

**172.** The officer presiding over any general meeting for the election of school commissioners or trustees shall, within eight days thereafter, under a penalty of five dollars for failure so to do, notify in writing the school commissioners or trustees elected, and make a report to the Superintendent of Public Instruction mentioning the date and the place at which the meeting was held and the names of the persons elected. R. S., 2009, *mod.*

Notification to be given to those elected and report to Superintendent. Penalty for default.

**173.** If the meeting for the election of school commissioners or trustees has not been held, or if, having been held, there has been no election, the secretary-treasurer shall within the same delay so inform the Superintendent of Public Instruction, under the same penalties. *New.*

Superintendent to be notified if election not held, &c.

**174.** For the municipalities in which no election of commissioners or trustees has taken place within the time prescribed by law, the Lieutenant-Governor in Council may, upon the recommendation of the Superintendent of Public Instruction, appoint the school commissioners or trustees required. R. S., 2016.

Appointment of school commissioners in default of election.

#### SECTION V

##### TERM OF OFFICE OF SCHOOL COMMISSIONERS AND TRUSTEES

**175.** Except in the cases specified in the following article, and in article 198 of this act, school commissioners and trustees shall remain in office for three years. R. S., 2017, *in part.*

Term of office of school commissioners, &c.

**176.** School commissioners or trustees, forming part of the first board elected, or appointed by the Lieutenant-Governor in Council after the erection of a school municipality, are replaced in the following manner: Two of them in the case of commissioners, and one in the case of trustees, determined by lot, shall retire from office at the end of the first year, and from amongst those who have not been replaced, two of them for commissioners, and one of them for trustees, determined in the same manner, at the end of the second year, and the remaining commissioner or trustee, at the end of the third year.

Retiring of school commissioners or trustees, by drawing lots.

The chairman shall be liable, in common with the other school commissioners, to go out of office, if so determined by lot. Chairman.

The drawing of lots must be held by the secretary-treasurer at a regular meeting of the commissioners or trustees, at least eight days before the publication of the notice to be

How lots to be drawn.

given for convening the meeting for the election. R. S., 2017, *in part, and now.*

Replacing of  
schools com-  
missioners,  
&c.

**177.** Commissioners and trustees going out of office shall be replaced by election, and in default of an election by the Lieutenant-Governor in Council upon the recommendation of the Superintendent of Public Instruction. R. S., 2018.

#### SECTION VI

##### CONTESTATIONS OF ELECTIONS OF SCHOOL COMMISSIONERS AND TRUSTEES

By whom and  
for what  
reasons elec-  
tions of school  
commission-  
ers may be  
contested.

**178.** Any election of school commissioner or trustee may be contested by any candidate or by five electors, when it has been carried by violence, corruption or fraud, or by the votes of persons who have voted without being qualified as electors on the ground of disability, or on the ground of the non-observance of the formalities required. R. S., 2015, § 1, *am.*

Before what  
court, &c.,  
&c.

**179.** The examination and decision of a contestation of an election of school commissioner or trustee is vested in the circuit court of the district or county, or in the magistrate's court of the county, in which the municipality is situated, to the exclusion of every other court. R. S., 2015, § 2.

Petition in  
contestation  
and what to  
contain.

**180.** The contestation is brought before the court by a petition in which are set forth the facts and reasons alleged in support of the contestation.

May indicate  
persons hav-  
ing right of  
office.

The parties interested may also, in their petition, indicate the persons who have a right to the office in question and state the facts necessary to establish such right.

How present-  
ed.

Such petition is presented in open court, together with the returns of the preliminary services. R. S., 2015, §§ 3, 8.

Serving of  
copy of peti-  
tion with  
notice.

**181.** A copy of the petition mentioned in the preceding article, with a notice stating the day on which the petition will be presented to the court, is served upon every school commissioner or trustee whose election is contested, within fifteen days from the date of such election; otherwise the right of contesting is forfeited.

Time for pre-  
sented peti-  
tion.

No such petition can be presented or received after the close of the first term of the court next following the day when the controverted election was held.

Delay con-  
tended.

Nevertheless, if the election was held within the thirty days preceding such first term, the petition may be presented on the first day of the following term. R. S., 2015, §§ 4, 5.

Security for  
costs to be  
given.

**182.** The petitioners in the contestation of the election must give security for the costs at least ten days before the

petition is presented to the court; otherwise such petition cannot be received. R. S., 2015, § 6.

**183.** The security required by the foregoing article is given before the clerk of the court. R. S., 2015, § 7, *in part*. Before whom given.

**184.** The sureties must be owners of real estate of the value of at least two hundred dollars, over and above any incumbrances there may be on such property. Sureties to justify on real estate to certain value.

One surety suffices, provided he is an owner of real estate of the required value. R. S., 2015, § 7, *in part*. One suffices in certain cases.

**185.** If, after having heard the parties, the court is of opinion that the grounds set forth in the petition are sufficient in law to have the election declared null, it orders proof to be adduced and the parties interested to be heard on a day in term. R. S., 2016, § 9. If facts alleged sufficient to annul election, court orders proof.

**186.** The court proceeds in a summary manner to hear and decide the contestation. R. S., 2015, § 10, *in part*. Proceeds in summary.

**187.** The evidence may be taken orally or in writing, in whole or in part, as the court shall order. R. S., 2015, § 10, *in part*. Evidence how taken.

**188.** The court by its judgment may confirm or annul the election, or declare another person duly elected. R. S., 2015, § 11. Judgment.

**189.** The court may condemn either party to pay the costs of the contestation; and such costs are taxed and are recoverable as well against the parties to the suit as against their sureties. R. S., 2015, § 12, *in part*. Costs. Taxation and recovery of costs.

**190.** The judgment of the court, in so far as regards the costs, is executory against the sureties, fifteen days after a copy thereof has been served upon them. R. S., 2015, § 12, *in part*. When judgment executory against sureties for costs.

**191.** The court may order that its judgment be served at the expense of the party against whom the judgment has been rendered, upon any person to whom it may deem it proper to communicate it. R. S., 2015, § 13. Service of judgment.

**192.** If the trial of the contestation of the election is not concluded at the close of the term of the court during which the petition was presented, the sitting judge must continue it without interruption out of term and during the vacation, adjourning from day to day until he delivers his final judgment upon the merits of such contestation. R. S., 2015, § 14. Case to be continued during vacation.

If election annulled without stating who is to fill office, judgment to provide for new election, &c.

Delay for election.

**193.** If the court by its judgment annuls the election of the commissioners or trustees or any one of them, without stating who should fill such offices, the court must in such judgment order a new election to replace those whose elections are so annulled, name for that purpose a person to preside at such election, and fix the day and hour for the meeting at which the election is to be held.

Such day must not be sooner than fifteen nor later than twenty days from the date of the judgment. R. S., 2015, § 15.

Notice of such election how given.

**194.** The election which is held by order of the court must be announced by public notice given by the chairman of the commissioners or trustees, or, if there be no chairman in office, or if he be the commissioner or trustee whose election has been annulled, by the secretary-treasurer.

By whom given in certain cases.

If there be neither a chairman nor a secretary-treasurer, the notice is given by a justice of the peace, residing in the municipality or, in default of a justice of the peace, by three proprietors of real estate, as soon as a copy of the judgment has been served upon them. R. S., 2015, § 16, *in part*:

Effect of want of notice.

**195.** The omission of the notice prescribed by the preceding article prevents a meeting of the electors from being held, and renders the persons, whose duty it is to give it, subject to a penalty of not less than five or more than twenty dollars. R. S., 2015, § 16, *in part*.

Penalty.

Who to preside.

**196.** In default of the person appointed by the court, the election is presided over by the secretary-treasurer, and, in default of that officer, by a rate-payer of the municipality, able to read and write, selected by the rate-payers present at the meeting.

Election how held.

The election is held and conducted in conformity with the rules and formalities prescribed in articles 150 and following of this act. M. C., 363, *in part*.

Powers and term of office of commissioners, &c., so elected.

**197.** The commissioners and trustees elected at the election mentioned in the preceding article are vested with the same rights and are subject to the same obligations and penalties as those appointed at general elections, and remain in office only for the time for which the persons whose elections have been set aside were appointed. M. C., 363, *mot.*

#### SECTION VII.

#### REPLACING SCHOOL COMMISSIONERS AND TRUSTEES WHEN VACANCIES OCCUR DURING THEIR TERM OF OFFICE.

Vacancies in boards how filled and

**198.** In case of death, change of domicile, lack of qualification, refusal to accept office when the law authorizes such

refusal, resignation legally given, or in case of incapacity, during three consecutive months, by reason of absence or sickness, school commissioners or trustees are replaced by the school commissioners or trustees remaining in office, within the thirty days next after the date upon which the vacancy occurred. within what delay.

The secretary of the school board in which such appointment is made shall notify the Superintendent of Public Instruction within fifteen days after the same is made. R. S., 2010, *am. and new.* Superintendent to be notified.

**199.** Whenever the replacing mentioned in the preceding article has not been effected within the prescribed delay, the Lieutenant-Governor in Council may, upon the recommendation of the Superintendent of Public Instruction, appoint a school commissioner or trustee, as the case may be, to fill such vacancy. R. S., 2011, *am.* Appointment by Lieutenant-Governor.

**200.** A school commissioner or a trustee who has been appointed by the school board under article 198 of this act, or by the Lieutenant-Governor in Council, to fill any vacancy ceases to hold office at the date when the term of the person whom he replaces would have expired. M. C., 116. Term of office of replacing commissioner, &c.

**201.** When school commissioners or trustees are prevented from performing their duties owing to sickness, no election or appointment to fill the said office shall take place, unless such incapacity has been established by the certificate of a physician, sworn to before a justice of the peace, deposited with the secretary-treasurer of the school board. Provision in case of sickness. How sickness is to be established.

The vacancy arising from such incapacity shall date from the day of the deposit of such certificate with the secretary-treasurer. R. S., 2012. Date of vacancy.

#### SECTION VIII

##### MEETINGS OF SCHOOL BOARDS

**202.** On the first Monday following the organization of a school municipality, and, in subsequent years, on the first Monday following the notice of the election of school commissioners or trustees who, in the month of July each year, replace retiring members on the school board, or when no election has been held on the first Monday following the notice given to those appointed by the Lieutenant-Governor in council, the school commissioners or trustees shall meet to elect their chairman, who shall remain in office until the appointment of a successor. Meeting of school board for election of their chairman, when to be held.

At such meeting also, if necessary, the secretary-treasurer must be engaged. Secretary-treasurer.

If such meeting cannot be held on the day fixed, it may be held on any day of the same week. R. S., 2020, §§ 1, 3, *am., and new.* If meeting not then held.

Who presides until chairman is elected.

**203.** Until the appointment of the chairman for the current school year, the first session of the school commissioners or trustees is presided over by one of them. R. S., 2020, § 4, *am.*

Appointment of chairman by Lieutenant Governor.

**204.** If the appointment of a chairman has not been made at the first meeting of the school board or within fifteen days thereafter, it may be made by the Lieutenant-Governor, on the recommendation of the Superintendent of Public Instruction. M. C., § 32.

Absence of chairman.

**205.** In case of the absence of the chairman, the school commissioners or trustees shall name one of themselves as chairman for the time being, who shall then be vested with the same powers and be subject to the same obligations as the ordinary chairman. R. S., 2021.

Convocation of meetings.

**206.** The chairman may call meetings of the school board by a notice in writing signed by the secretary-treasurer, which shall be given at least two days before the time fixed for such meetings. (*See form No. 9*) R. S., 2022, *am.*

If all members present, omission of formalities in convening not to be pleaded.

**207.** The omission of the necessary formalities for the convening of a meeting of school commissioners or trustees cannot be pleaded when all the members present in the municipality have actually attended. *New.*

Who may require calling of meeting.

**208.** Two commissioners, one trustee or five rate-payers, may, by written notice, require the chairman or, in his default, the secretary-treasurer of their respective school boards to convene such meeting.

Duty of chairman, &c.  
Penalty for neglect.

The chairman and secretary-treasurer, so notified, shall thereupon be obliged to convene such meeting under penalty of a fine of ten dollars. R. S., 2023, *am.*

Meetings to be public.  
Proviso.

**209.** The meetings of school commissioners and trustees are public: but the commissioners or trustees may refer to a committee, whose meetings shall be private, all complaints made against teachers or pupils, applications for employment or any other subject of a personal nature. R. S., 2024, *in part and new.*

Meetings may be held in neighbouring municipality.  
Proviso.

**210.** School commissioners or trustees may, by resolution to that effect, fix a place for their meetings in a neighbouring school municipality or in an adjacent city, town or village; but in no case shall such meetings be held in a hotel or other place where spirituous liquors are retailed. R. S., 2024, *in part.*

Meetings on non-judicial days.

**211.** Meetings of school commissioners and trustees may be held on non-judicial days. *New.*



**212.** At meetings of school commissioners or trustees all questions shall be decided by the majority of votes of the members present. It is not necessary that proposed resolutions be seconded. The officer presiding shall vote upon each question, and in case of a tie is always obliged to give a casting vote. R. S., 2025, *and new*.

Decision of questions.  
Seconded n required.  
Presiding officer's vote.

**213.** The minutes of each meeting shall be entered in the register of proceedings of the school board known as the "Minutes of Proceedings." After having been read and approved at the beginning of the following meeting, they are signed by the person presiding and countersigned by the secretary-treasurer. (*See Form No. 10.*) R. S., 2096, 2097, *mod.*

Entry of minutes.  
Name of book.  
Signature by certain officers at next meeting.

**214.** Whenever a by-law or a resolution of the school commissioners or trustees is amended or repealed, mention must be made thereof in the margin of the minutes of proceedings, opposite such by-law or resolution, together with the date of its amendment or repeal. R. S., 2098, *mod.*

Entry of repeal, &c., of by-laws in minutes opposite original entry thereof.

#### SECTION IX

##### POWERS AND DUTIES OF SCHOOL COMMISSIONERS AND TRUSTEES RESPECTING THE MANAGEMENT OF SCHOOLS

**215.** It is the duty of school commissioners and trustees :

1. To engage teachers duly qualified to teach in the schools under their control ;
2. After mature deliberation at a meeting called for that purpose, to cancel the engagements of teachers on account of incapacity, negligence in the performance of their duties, insubordination, misconduct or immorality ;
3. To take the measures necessary to insure that the course of study authorized by the Roman Catholic or Protestant Committee, as the case may be, shall be followed in each school ;
4. To require that no books be used in the schools under their control other than those authorized, which must be the same for all schools in the municipality ; the *curé* or the priest in charge of the Roman Catholic Church, however, has exclusive right to choose the school books having reference to religion and morals, for the use of pupils of his religious belief, and the Protestant Committee has the same powers respecting Protestant pupils ;
5. To make regulations for the management of their schools, and to communicate them in writing to the teachers under their control ;
6. To fix the time of the annual public examination, and to attend the same ;

Duties respecting :  
Engagement of qualified teachers ;  
Canceling engagements ;

Course of study ;

School books ;

Religious books.

Regulations for schools, &c ;

Examinations ;

- Hygiene in schools, &c. :** 7. To make and carry out regulations respecting hygiene in schools, provided such regulations are not contrary to those of the central board of health ;
- Visitors, &c. :** 8. To name two or more from among themselves to visit each school under their control at least once every six months, and to report to the corporation of which they are members the state of the school, and whether their regulations are strictly observed, also the progress of the scholars, the character and capacity of the teachers, and every other matter relating to the management of the schools ;
- Accounts, &c. :** 9. To comply, as regards the accounts and register kept by their secretary-treasurer, with all instructions, whether special or general given them by the Superintendent of Public Instruction ;
- Annual report :** 10. To cause to be made each year, before the fifteenth of July, a report to the Superintendent of Public Instruction upon a form which he shall furnish them.
- Minutes ;** 11. To keep a register in which are entered the minutes of their meetings, which are signed by the chairman and by the secretary-treasurer, in accordance with the provisions of article 213 of this act ; (*See Form No. 10*)
- Accounts ;** 12. To keep books of account in the manner and form indicated by the Superintendent of Public Instruction ;
- Disputes between parents or pupils, and teachers :** 13. To settle all disputes arising in relation to the schools in their municipality between the parents or children and the teachers ;
- Dismissal of pupils ;** 14. To dismiss from the school any pupil who is habitually insubordinate or whose conduct is immoral either in word or deed ;
- Books for poor children, &c. :** 15. To furnish, if necessary, text-books to indigent children attending the schools under their control, the books being paid for from the funds of the municipality ;
- Payment of teachers.** 16. To pay their teachers at the end of each month of teaching. R. S. 2026, *am.* ; 2040, *mod.*

## SECTION X

## DUTIES OF SCHOOL COMMISSIONERS AND TRUSTEES RESPECTING TEACHERS

- Term of engagement of teachers.** **216.** The engagement of a teacher shall be for the term of a school year, or to complete a year already begun, or for more than one school year in special cases approved by the Superintendent of Public Instruction. R. S., 2027, *in part, am.*
- To be in writing, &c.** **217.** The engagement is made in writing in virtue of a resolution adopted by the school board. R. S., 2026, § 1, *mod.*
- Form of deed.** **218.** The deed of engagement may be drawn up according to form No. 19 of this act. R. S., 2027, *in part.*

**219.** In the deed of engagement the school board is represented by its chairman or on his absence by the secretary-treasurer. *New.* Who represents school board in deed

**220.** Engagements of teachers are made in triplicate. Engagements in triplicate. How copies are disposed of.  
A copy is sent to the Superintendent of Public Instruction within fifteen days next after its completion, another is given to the teacher, and the third is deposited in the archives of the school board. *New.*

**221.** When a teacher has not reached the age of majority, his engagement is nevertheless valid for all purposes, and he may sue and be sued for any purpose connected with such engagement, as if he had attained his majority. *New.* Engagement of teachers under age.

**222.** Excepting in the cases specified in article 93 of this act, or in the regulations of the committee of the Council of Public Instruction, school commissioners or trustees shall employ as teachers only those who are provided with diplomas, on pain of losing their share of the Government grant. R. S., 1959, *mod.* What teachers to be employed.

**223.** School commissioners and trustees, after having decided by resolution at a regular meeting not to reengage for the following year a teacher already in their service, shall, before the first of May preceeding the expiration of the engagement of such teacher, notify him in writing of their intention to terminate the said engagement. (*See Form No. 20.*) R. S., 2028, *in part, am.* Notification to teacher who is not to be reengaged.

**224.** Teachers who have not received the notification mentioned in the preceding article shall be deemed to be re-engaged for the following school year, for the same school and upon the same terms, unless one of the causes specified in paragraph 2 of article 215 of this act may be invoked against him. R. S., 2028, *in part, am.* If not given.

**225.** In the notification given to teachers informing them that their services will not be required for the following year, the school commissioners and trustees are not bound to state the reason for their decision. *New.* No reason need be given in notice.

**226.** All notices given collectively or simultaneously to teachers by commissioners or trustees and all agreements made with them, with the view of evading the provisions of the school law or regulations, are null. Collective, &c. notices void.

But the commissioners or trustees may, by one resolution, declare that the services of several of their teachers are not required for the following school year. R. S., 2029, *am.* Proviso as to resolution.

Notification  
to be given  
by teacher.

**227.** Every teacher, who does not intend to continue his engagement for the following year, must give notice of his intention to the school commissioners or trustees, as the case may be, before the first of May preceding the expiration of his engagement. R. S., 2030, *am.*

Teachers need  
not be em-  
ployed who  
do not suit.

**228.** Except in the case provided for in article 224 of this act, school commissioners or trustees shall not be obliged to employ a teacher who does not suit them. R. S., 2027, *in part.*

#### SECTION XI

##### DUTIES OF SCHOOL COMMISSIONERS AND TRUSTEES RESPECTING SCHOOL PROPERTY

Duties :

**229.** It is the duty of the school commissioners or trustees in each municipality :

To administer  
property :

1. To administer any moveable and immoveable property belonging to their school corporation in virtue of any title whatsoever ;

To acquire  
property :

2. To acquire and hold for the corporation all moveable or immoveable property, moneys or income, and to apply the same for the purposes for which they are intended ;

To acquire,  
&c., school  
sites, &c.,  
build school-  
houses ;

3. To select and acquire the land necessary for school sites, to build, to repair, to keep in order all school-houses and their dependencies, to purchase or repair school furniture, to lease temporarily or accept the gratuitous use of houses and other buildings, fulfilling the conditions required by the regulations of the committees, for the purpose of keeping school therein ;

To appoint  
managers ;

4. To associate with themselves, permanently, or for a time only, managers to aid them in matters connected with the administration of school-houses, the erection and repair, warming and cleaning thereof, and with keeping in good order the property, moveable and immoveable, belonging to their corporation. (*See Form No. 12.*)

To insure  
property.

5. To have the buildings and furniture belonging to their school corporation insured for at least half their value. R. S., 2032, *am.*

Certain  
agreements  
for school  
purposes may  
be made by  
them.

**230.** With the authorization of the Lieutenant-Governor in Council, given upon the recommendation of the Superintendent of Public Instruction, school commissioners and trustees may enter into agreements for school purposes with any person, institution, or corporation. *New.*

Power to  
hold real  
estate limit-  
ed.

**231.** No school corporation shall, unless otherwise specially provided by law, hold real property the annual revenue whereof exceeds three thousand dollars. R. S., 2033.

**232.** No school corporation shall, without the approval of the Lieutenant-Governor in Council, upon the recommendation of the Superintendent of Public Instruction, hypothecate, sell, alienate or exchange the property belonging to it, or borrow money thereon.

No school property to be sold, &c., without approval.

All sales of school property authorized by this article must be made by auction by the secretary-treasurer, after public notice. R. S., 2035, *am. and new.*

Sales to be by auction.

**233.** Any school corporation in a city, town or incorporated village may, with the authorization of the Lieutenant-Governor in Council, upon the report of the Superintendent of Public Instruction, capitalize the debts by it lawfully contracted or to be contracted, and stipulate for the payment thereof by annuities covering a period of not more than fifty years. R. S., 2035*a.*

Capitalization of debts of school corporation of city, town or village. Payment thereof by annuities.

Such annuities include the interest and the portion of the capital which is to be paid yearly to extinguish the debt at the date agreed upon. R. S., 2035*b.*

Annuities what to include.

Such corporation may, with the authorization of the Superintendent of Public Instruction, issue, for the payment of such annuities, debentures maturing every six months or every year until the loan is paid off. R. S., 2035*c.*

Debentures may be issued to pay annuities.

**234.** Any school corporation may also, with the authorization of the Lieutenant-Governor, upon the recommendation of the Superintendent of Public Instruction, borrow moneys, and, to that end, issue debentures or obligations, but only in virtue and under the authority of a resolution indicating :

School corporations may borrow money.

1. The objects for which the loan is to be contracted ;
2. The total amount of the issue ;
3. The term of the loan ;
4. The rate of interest ;
5. All other details relating to the issue and to the loan.

**235.** Any issue of debentures or obligations heretofore made and which may be in conformity with the requirements of the preceding article is hereby declared good and valid.

Issue of debentures, &c., heretofore made declared valid.

Pending cases shall not be affected by these provisions.

Pending cases not affected.

#### SECTION XII

#### DUTIES OF SCHOOL COMMISSIONERS AND TRUSTEES RESPECTING SCHOOL TAXES

**236.** It is the duty of school commissioners and trustees to cause to be levied by taxation, in their respective municipalities, the taxes necessary for the support of the schools under their control. R. S., 2036.

School taxes to be levied for support of schools.

How taxes shall be imposed.

**237.** School assessments shall be imposed uniformly according to valuation upon all taxable property in the municipality, and shall be payable by the owner, occupant, or possessor of such property. If not paid, such assessments shall be a special charge upon such property, bearing hypothec and not requiring registration. R. S., 2038.

Case of person having children of religious belief other than his own.

**238.** Every person, being a rate-payer in a municipality in which there is a corporation of commissioners, and also a corporation of trustees, or in a municipality erected for either of the two religious denominations, who has children of from five to sixteen years of age not belonging to the religious belief which he professes, shall pay his taxes to both these corporations in proportion to the number of such children of the religious faith of each. *New.*

Property exempt from taxation: That belonging to Her Majesty;

**239.** The following are exempt from the payment of school assessments:

1. All property belonging to Her Majesty, or held in trust for the use of Her Majesty; and that owned or occupied by the municipal corporation in which they are situated, as well as buildings in which are held courts of justice and registry offices;

That to the Federal or Provincial Government; That to *fabriques*, &c., or occupied by them for certain purposes; Cemeteries, &c.

2. All property occupied by or belonging to either the Federal Government or the Government of the Province of Quebec;

3. Property belonging to *fabriques*, or to religious, charitable, or educational institutions or corporations legally constituted, or property occupied by such *fabriques*, institutions or corporations, for the purposes for which they have been established and not possessed by them for purposes of revenue;

4. Cemeteries, bishops' palaces, presbyteries and their dependencies;

Private educational institutions not receiving grants from municipality: *Proviso.*

5. Every private educational institution receiving no grant from the municipality in which it is situated, and the land on which it is erected, and its dependencies; but every private educational institution that wishes to take advantage of this exemption shall be obliged, after having its title to such rights filed in the Department of Public Instruction, to make each year to the Superintendent of Public Instruction, according to a form which shall be furnished for that purpose, a report establishing the fact that it has at least ten pupils, and the number of pupils attending such school, and all information that may be required by the Superintendent of Public Instruction;

That to agricultural and horticultural societies, &c.

6. All property belonging to or used especially for exhibition purposes by agricultural and horticultural societies. R. S., 2044, *am.*

Taxes upon property outside town or village.

**240.** The Superintendent of Public Instruction may authorize the school commissioners and trustees of a municipi-

pality in which a town or village is comprised, to levy, upon the real estate of such town or village, a different tax from that which they levy upon the real estate outside such limits; but in such case the tax upon real estate situate outside the limits of such town or village must not be less than one-half of that imposed upon the said town or village. R. S., 2039, *mod.* Proviso.

**241.** The school commissioners or trustees shall collect from the rate-payers in their municipality a sum sufficient to pay the salaries of the teachers, at the expiration of each month of teaching, and their report to the Superintendent of Public Instruction shall show that this has been done. R. S., 2040. Taxes to be collected so as to allow of monthly payment of salaries, &c.

**242.** The school commissioners or trustees shall value and tax any lot of land separated from any land already valued and taxed, upon which one or more buildings have been erected since the publication of the valuation roll then in force, and make, in such valuation roll and in the collection roll, such alterations as become necessary by the separation of such lot, or the erection of such building. The commissioners or trustees shall, however, not be bound to make such valuation when the alterations resulting therefrom are unimportant. R. S., 2045, *in part*, 2046. Corrections in valuation roll. Proviso.

**243.** All alterations in the valuation and collection roll shall be made and published in the manner prescribed for the making and publishing of the valuation and collection rolls in any school municipality. R. S., 2046, *in part*. Publication of corrections in valuation roll.

**244.** The school commissioners or trustees, as the case may be, may also, every year, with the authorization, or upon the order of the Superintendent of Public Instruction, exempt from school contributions any rate-payer living more than five miles from the nearest school of his religious belief, provided he does not send his children to such school, but this provision does not apply to the proprietors of unoccupied lots. R. S., 2047, *am.* Exemptions from school contribution in certain cases.

#### SECTION XIII

##### DUTIES AND POWERS OF SCHOOL COMMISSIONERS AND TRUSTEES RESPECTING MONTHLY FEES

**245.** School commissioners and trustees shall fix a monthly fee at the time when they determine the school tax. Monthly fees to be fixed.

Such fee shall be uniform for all elementary schools in the same municipality. To be uniform for all elementary schools in same municipality.

It is payable to the secretary-treasurer by the father, mother, tutor, curator or guardian for each child from seven

pality and to whom and by whom paid. In no case shall this fee be collected by the teacher under pain of the nullity of the payment. R. S., 2068, *am. and new.*

**246.** In elementary schools, the fees shall in no case exceed fifty cents per month, but it must in no case be less than five cents per month.

**Fees for model schools and academies.** The fee may be higher for pupils attending a model school or an academy. R. S., 2069.

**247.** The monthly fee is exigible for each child from seven to fourteen years of age, whether he attends school or not; unless exempted in virtue of article 249 of this act, as well as for each child from five to seven years, or from fourteen to sixteen years of age who attends the school, and for any pupil from sixteen to eighteen years of age who attends a model school or an academy in that municipality.

**Non-payment not to exclude certain children from school.** But no child from seven to fourteen years of age shall be excluded from school for non-payment of monthly fees. R. S., 2070, *am. and new.*

**Privilege, &c., of monthly fee and how collected.** **248.** The monthly fee is subject to the same privileges and hypothecs as the school assessment. It may be collected in the same manner and at the same time as the school assessment, or may be exacted monthly and in advance, except in municipalities in which the manner of collecting this fee is regulated by a special act or by-law of the school corporation approved by the Superintendent of Public Instruction. R. S., 2071, *mod.*

**Fees not to be exacted from certain persons or for certain children.** **249.** School fees cannot be exacted :

1. From indigent persons ;
2. For insane, deaf, dumb or blind children ;
3. For children who are unable to attend school owing to serious and prolonged illness ;
4. For children who are absent from the school municipality for the purpose of receiving their education or for children who follow the course as boarders, part boarders, or day pupils in a college or other incorporated educational institution, or one receiving a special grant from the public funds, and independent of school commissioners or trustees. R. S., 2072, *am.*

**Commissioners, &c., to transmit statement of fees.** **250.** School commissioners and trustees, in the report which they are bound to transmit to the Superintendent of Public Instruction, shall state the amount of monthly fees fixed for the municipality, and the amount of such fees actually collected. R. S., 2074, *am.*



**251.** The Superintendent of Public Instruction may refuse the school grant to any municipality whose commissioners or trustees have not fixed the monthly fee or have not collected it. R. S., 2075, *am.*

Refusal of school grant, if fees not collected, &c.

#### SECTION XIV

#### DUTIES OF SCHOOL COMMISSIONERS AND TRUSTEES RESPECTING SCHOOL-HOUSES AND SCHOOL-LOTS

**252.** School-houses shall be built in accordance with and upon plans and specifications approved or furnished by the Superintendent of Public Instruction. R. S., 2053, *in part.*

Plans for school-houses to be approved or furnished.

**253.** If it be necessary to purchase or enlarge a school site to build, rebuild, enlarge or repair one or more school-houses or dependencies, or to purchase or repair school furniture or equipment, the school commissioners or trustees may, for this purpose, tax either the particular district or the whole municipality, according as one or the other plan has already been adopted in the municipality.

Taxation for purchase &c., of school site, and building school-house, &c.

The plan adopted in the case just mentioned can be changed only by resolution of the school board, approved by the Superintendent of Public Instruction, six months after a notice to that effect has been given to the rate-payers, in conformity with the provisions of article 293 of this act. R. S., 2049, *in part, am. and new.*

Change in plan of taxation.

**254.** If the assessment for a model school or academy be in question, the district in which the said school is situated, if it is obliged to bear the tax provided for in the preceding article, is first assessed for an amount which would have been necessary for an elementary school.

Taxation for model school-house or academy.

The additional sum required for the model school-house shall be levied on the whole municipality, the district also paying its share.

Surplus.

The notices required shall be given as specified in the preceding article. R. S., 2049, *in part.*

Notice.

**255.** No assessment exceeding the sum of three thousand dollars shall be levied for the purchase or construction of a house for a superior school, academy or model school, nor exceeding the sum of sixteen hundred dollars for the purchase or construction of an elementary school-house and its dependencies, unless the school commissioners or trustees are specially authorized by the Superintendent of Public Instruction to levy for such purposes a larger sum. R. S., 2053.

Assessment for school-houses limited.

**256.** In the case of a special assessment imposed upon one school district, or upon the whole municipality, for the purchase, building, rebuilding, enlarging or repairing of a school-house, or its dependencies, any rate-payer may, after

Appeal to circuit court respecting assessment.

the imposition of such assessment, appeal therefrom, in virtue of article 482 and following of this act, to the circuit court of the district or county in which the municipality is situated. R. S., 2052, *am.*

Arbitration  
respecting  
land for a  
school-house

**257.** If, after having selected a vacant lot of land as a site for a school-house, or for enlarging the same, the school commissioners or trustees, as the case may be, cannot agree with the proprietor respecting the price for the site, or in case the proprietor refuses to deliver possession of the land required, within the eight days next after application in writing shall have been made to him, the matter shall be settled by arbitration in the following manner :

Appointment  
of arbitrators  
by the parties.

1. The commissioners or trustees, as the case may be, shall appoint an arbitrator, and the owner of the land shall appoint another within thirty days after the aforesaid delay of eight days.

Appointment  
of third arbitrator.

The judge or one of the judges of the superior court for the district, within which the said land in question is situated, shall name the third at the diligence of the parties.

Appointment  
by judge in  
default of  
parties.

2. If the commissioners, or trustees, or the proprietor, do not appoint their respective arbitrators within the prescribed delay, the arbitrators shall be appointed by the judge or one of the judges of the superior court for the district, upon the application of either of the parties.

Powers of  
arbitrators.

The arbitrators so appointed shall have all the powers necessary for the summoning, hearing, swearing, and examination of the witnesses. R. S., 2057, *am.*

Arbitrators  
to be sworn.

**258.** Before proceeding in virtue of the preceding article, the arbitrators shall take an oath before a justice of the peace for the district according to form No. 1 of this act. R. S., 2058, *mod.*

When award  
is to be made,  
service of  
copy.

**259.** The arbitrators shall, within thirty days after the appointment of the last appointed, make their award, and serve a copy thereof upon each of the interested parties.

Award final  
and what it  
decides.

The award of the arbitrators is final; it shall decide upon the merits, determine the amount to be paid for the costs of the arbitration, and designate the party who shall be liable therefor. R. S., 2057, § 4, 2059, *am.*

When possession  
of land  
may be taken,  
and after  
what formalities.

**260.** Upon deposit in the hands of the prothonotary of the district, in which the expropriated lands are situated, of the compensation awarded to the persons entitled to receive the same, the commissioners or trustees may take immediate possession of the land. R. S. 2060.

Payment of  
indemnity.

**261.** After all interested persons, creditors or assigns have been called in, in the manner and form and after the delay which the court or judge shall deem expedient and

just, the superior court for the said district shall order the payment over to the party or parties to whom it has been awarded. R. S., 2061.

**262.** If any person shall offer any opposition to the execution of the award, any judge of the superior court may, upon proof that the procedure required by the preceding articles has been followed, issue his warrant addressed to any sheriff or bailiff, or other person having the necessary power to put the commissioners or trustees in possession; which such sheriff, bailiff, or other person shall be bound to do, taking with him such assistance as may be necessary. R. S., 2062, *mod.*

Taking possession by authority of justice.

**263.** No property exempt from paying school assessments in virtue of article 239 of this act can be expropriated for the purposes herein above-mentioned. R. S., 2063.

Property that cannot be expropriated.

**264.** When a school district is divided by the formation of a new district or of a new municipality, or by the annexation of a part of its territory to a municipality or district already existing, the part on which the school-house is situated shall retain the property thereof, but shall refund to the other an amount which shall be established *pro rata* by the valuation of the real property which was taxed for its erection.

Effect of the division of a district as to a school-house.

The same rules shall be followed when the religious minority shall declare themselves dissentient; unless an understanding to the contrary be come to with the minority, the majority shall keep the said school-house on payment of an amount determined as above. R. S., 2064, *in part, am.*

Rule as to dissentients.

**265.** In either of the cases mentioned in the preceding article, the school-house and the site upon which it is built are, in case of contestation, valued by valuers as follows: When two school boards are interested, each names an expert, or if two schools in the same municipality are in question, the school board of such municipality appoints the two experts. If the two experts cannot agree, they shall appoint a third. R. S., 2057, *in part.*

Arbitration in such case.

**266.** Upon default by a school board to appoint its expert or both experts, as the case may be, within a delay of one month after having been put in default so to do by one of the interested parties, the appointment of such experts is made by the judge or any of the judges of the superior court of the county or of the district in which the municipality is situated when an application is made to him for that purpose and, in the absence of the judge, by the prothonotary. R. S., 2057, § 2.

Appointment of arbitrators by judge in default of parties.

**Powers of arbitrators. Award final. What it decides.**

**267.** The experts appointed in virtue of the preceding articles have all necessary powers to summon witnesses, swear, examine and hear them. Their award is final; it fixes the value of the school-house and the land, as well as the amount of the costs of the valuation and designates the party who shall pay the same. R. S., 2057, §§ 3, 4.

**Payment of sum so fixed.**

**268.** When the experts having given their award, the school commissioners or trustees of the municipality or municipalities concerned, without delay, apportion between the proper persons the amount to be paid, collect the money as soon as possible by suit or seizure as in the case of the collection of taxes and render account to the persons interested. R. S., 2064, § 5.

**Union of school municipalities to build, &c., schools, &c.**

**269.** Two or more school municipalities may unite to build or maintain an elementary school, a model school or an academy, which shall be then under the control of the school corporation of the municipality in which it is situated.

**Management of school, &c.**

Nevertheless, the school commissioners or trustees of the other municipality or municipalities, which are united for the purpose of contributing to the erection or maintenance of such elementary or model school or academy, shall have the right to be represented by one or more of their number at all meetings of the school corporation of the municipality in which such school is situated, to take part in the discussions, and to vote upon all questions respecting the administration of the affairs of such school.

**Who may attend meetings.**

In the absence of an agreement to the contrary, the right to attend such meetings of the school board extends to all the school commissioners or trustees of the said municipalities. R. S., 2065 *am*.

**Corporations desiring to cooperate in building must pass resolution.**

**270.** All school corporations that desire to cooperate, in the manner above set forth, in the erection of such elementary or model school or academy building, shall pass a resolution to that effect, naming the amount which it shall furnish as its share.

**Payment of sum.**

Such sum may be paid in one amount, but at least one instalment shall be paid annually till the whole is paid.

**Corporations that desire to participate in maintaining school to pass resolution, &c.**

**2.** All school corporations that desire to participate in the maintenance only of one of such schools shall also pass a resolution naming the amount to be levied annually for that purpose.

**Approval of rate-payers required.**

**3.** The resolution adopted in either of the cases above-mentioned shall be submitted by the school board at a meeting of the rate-payers of the municipality, called for that purpose in the ordinary manner.

**Notice calling meeting.**

The notice calling such meeting shall contain a copy of the resolution to be submitted.

At such meeting, the persons qualified to vote shall record their votes for or against the resolution in the manner provided for the election of school commissioners and trustees.

Who may vote.

If the majority vote against the resolution, the said resolution shall become null ; but if the majority are in favor of the resolution, the school board of the said municipality shall levy the amount named in the resolution, and shall pay the said amount over to the board of the school municipality in which the school is situated.

Effect of vote.

4. The amount named for the maintenance of the school shall be paid over each year until it is decided by vote of the rate-payers to discontinue such payment. R. S., 2066.

When sum to be paid over and when to be discontinued.

**271.** When a school board accepts from another school municipality aid for the construction or maintenance of one of the above-mentioned schools situated in its territory, the children in the municipality which has furnished such aid shall have the right to attend such school upon the same conditions as the children of the municipality in which such school is situated. R. S., 2067.

Right of children to attend such school, &c.

#### SECTION XV

##### DUTIES OF SCHOOL COMMISSIONERS AND TRUSTEES RESPECTING SCHOOLS FOR GIRLS AND BOYS

**272.** School commissioners or trustees may establish in their municipality girls' schools distinct from those for boys, and each of these schools for girls or for boys shall be considered as a district. R. S., 2076, *mod.*

Establishment of separate schools for girls and boys.

**273.** A religious community that places its school under the management of commissioners or trustees, shall be entitled to all the advantages granted by this act to public schools. R. S., 2077, *mod.*

Advantages to religious community placing school under school commissioners.

#### SECTION XVI

##### DUTIES OF SCHOOL COMMISSIONERS AND TRUSTEES RESPECTING THE ANNUAL CENSUS OF CHILDREN

**274.** School commissioners and trustees shall cause their secretary-treasurer to make, between the first day of September and the first day of October of every year, a census of the children of their school municipality. In such census he must distinguish those children who are from seven to fourteen years of age, those from five to seven, and those from fourteen to sixteen, showing the number in each of these categories actually attending school. R. S., 2078, *am.*

Annual census of children.

To be transmitted to Superintendent with report.

**275.** School commissioners and trustees shall, in their report, transmit such annual census of children in their municipalities to the Superintendent of Public Instruction. R. S., 2078, *am.*

Penalty, on refusing, &c., information.

**276.** Every head of a family, tutor, curator or guardian who refuses to give to the secretary-treasurer the information prescribed by article 274 of this act, or who makes a false declaration, is liable to a fine of not less than five nor more than twenty-five dollars. R. S., 2079, *in part.*

## CHAPTER FIFTH

### PUBLIC NOTICES—SPECIAL NOTICES—NOTICES TO BE GIVEN RESPECTING CERTAIN ACTS OF SCHOOL COMMISSIONERS AND TRUSTEES

#### SECTION I

#### PUBLIC NOTICES

Posting of public notices at certain places.

**277.** The publication of a public notice for school purposes is made by posting up a copy of such notice at two different places in the municipality, indicated by resolution of the school commissioners or trustees, as the case may be. R. S., 1869, *am.*

Where to be made, if no places indicated by school corporation.

**278.** In default of localities indicated by the school corporation, the public notice must be posted upon the principal door of at least one place of public worship of the religious belief to which the commissioners or trustees concerned belong, if such place exists, and at some other public place in such municipality. R. S., 1869, *am.*

Posting of notices in other places.

**279.** The school corporation may also, by resolution, fix one or more localities in the municipality or in a neighboring city, town or village municipality, if such city, town or village municipality forms part of the same parish or of the same township, where such notices are to be posted. R. S., 1870, *in part, am.*

Reading of public notices.

**280.** The publication of a public notice must be made at one of the places where the posting must be made under the preceding articles, by reading it aloud, in a distinct manner, on the Sunday next following the day on which the same was published, at the close of divine service in the morning, if such service has been held.

The omission to read such notice does not invalidate the publication of the notice, but the persons who were bound to read it thereby incur a penalty of not less than two or more than ten dollars. R. S., 1870, *in part, mod.*

Effect of omission.  
Penalty for omission.

**281.** Every notice which should be published in the newspapers, must be inserted in those published at least once a week in the county, or if there are none in the county, in the district in which is situate the municipality giving the same, or in the neighboring district if none are published in such county or district.

How notices are published in the newspapers.

The same rule applies when such notice must appear in two newspapers published in different languages. R. S., 1871, *mod.*

**282.** No notice can be inserted in English and in French in a newspaper published in one of these languages only. R. S., 1872.

Publications in English and French.

**283.** Every public notice convening any public meeting or given for any other object whatever, must be given and published seven clear days before the day appointed for such meeting or other object, except in cases otherwise provided for by this act. R. S., 1873, *mod.*

Delays upon public notice convening meetings.

**284.** The delay upon a notice published in a newspaper counts from the day of the first insertion of the notice in the paper, and if the notice be published in several papers on different days, the delay counts from the first insertion in the newspaper which has last published the same. M. C., 239.

Delays after notice published in newspapers.

**285.** Except in cases otherwise provided for, public notices are binding upon proprietors or rate-payers domiciled out of the municipality, in the same manner as they are upon residents. R. S., 1874.

Effect of public notices.

#### SECTION II

#### SPECIAL NOTICES

**286.** Every special notice must be drawn up in writing in the language of the person to whom it is addressed, unless such person speaks a language other than French or English. M. C., 224.

Special notice how drawn.

**287.** The special notice addressed to any person who speaks neither the French nor the English language, or who speaks both of these languages, is given to him in either language. (*See Form No. 2.*) M. C., 224.

If person to whom notice is to be given speaks neither French nor English.

Service of special notice.

**288.** The service of a special notice is effected by leaving a copy of the notice with the individual to whom it is addressed, in person, or with a reasonable person at his domicile or at his place of business, except in cases where the service is made by mail in virtue of any provision of this act. M. C., 225.

Service of special notice upon agent.

**289.** Every special notice addressed to an absent proprietor or rate-payer, who has appointed an agent residing in the municipality, must be served on such agent.

If no agent appointed.

If an agent, resident in the municipality, has not been appointed by such absent rate-payer, every such notice is served by lodging in the post-office of the locality a copy thereof in a sealed and registered envelope, addressed to the absent proprietor or rate-payer. M. C., 226.

Special notice need not be given to absent rate-payer who has not appointed agent &c.

**290.** No one is bound to give a special notice to any absent rate-payer, who has not appointed an agent, unless such rate-payer has made known his address in writing by filing the same in the office of the secretary-treasurer of the school board. M. C., 228.

When special notices may be served.

**291.** Special notices may be served between the hours of seven o'clock in the morning and seven o'clock in the evening, on juridical days.

If at places of business.

However, they cannot be served at places of business, except between the hours of nine in the morning and four in the afternoon. M. C., 229.

If doors, &c., are closed.

**292.** If the doors of the domicile or place of business, where service of a special notice in writing should be made, are closed, or if there is no reasonable person therein, service is effected by affixing a copy of the notice to one of the doors of the domicile or place of business. M. C., 230.

#### SECTION III

#### NOTICES TO BE GIVEN RESPECTING CERTAIN ACTS OF SCHOOL COMMISSIONERS AND TRUSTEES

Certain resolutions, &c., to be read and posted by secretary-treasurer, under penalty.

**293.** The secretary-treasurer of a school board shall, under penalty of a fine of ten dollars, read and post up, in accordance with article 277 and following of this act, during the fifteen days following their adoption, the resolutions adopted in the following cases :

1. When the school commissioners or trustees establish new school districts, alter the limits of districts already established, reunite two or more districts or separate such districts, fix the location of a school-house, decide to acquire a site for a school-house, or to build, enlarge or repair a school-house or its dependencies ;



2. When the school commissioners or trustees have imposed a special assessment for the purchase of land for a school-house, for the building, enlarging, repair or maintenance of a school-house and its dependencies, or for the purchase and repair of school furniture ;

3. When the school commissioners or trustees have changed the system of assessment followed in the municipality for the purposes mentioned in the preceding paragraph. (*See Form No. 21.*)

No resolution passed under the provisions of the preceding paragraphs shall come into force before thirty days after the publication of the above-mentioned notice. *New.*

Coming into force of such resolutions.

## CHAPTER SIXTH

### TRUSTEES OF DISSIDENTIENT SCHOOLS

**294.** School trustees form a corporation for the purposes of the dissentient schools of their municipality. They are subject to the same duties and exercise the same powers as school commissioners for the administration of the school municipality under their control. R. S., 2080, 2081, 2085, *in part.*

School trustees form corporation. Powers and duties.

**295.** The school trustees shall receive a share of the general school fund, bearing the same proportion to the whole sum allotted to such municipality as the number of children attending such dissentient schools bears to the entire number of children attending school in the whole municipality. R. S., 2081, *in part, mod.*

Share of school fund to be received by them.

**296.** Trustees of dissentient schools alone have the right to impose and collect the taxes to be levied upon the dissentient inhabitants. R. S., 2082.

Trustees alone to have right to tax dissentients.

**297.** Whenever the school trustees in two adjoining municipalities are unable to support a school in each municipality, it shall be lawful for them to unite and to establish and maintain, under their joint management, a school situated as near the limits of both municipalities as possible, so as to be accessible to both.

Union of trustees of neighboring municipalities to establish school, &c.

In such case, the trustees jointly report their decision for such purpose to the Superintendent of Public Instruction, who shall remit the share of the public school grant to the secretary-treasurer of the municipality indicated in the report as the person who should receive it. R. S., 2083, *am.*

Report to Superintendent.

**298.** The trustees have the right to obtain a copy of the collection roll in force, of the list of children capable of

Copies of papers to be furnished to trustees.

attending school, and of all other documents in the hands of the school commissioners or of their secretary-treasurer which concern them. R. S., 2084, § 1.

Imposition of  
assessment by  
trustees in  
certain cases.

**299.** If there is no collection roll, or if the assessment imposed does not appear to them a proper one, the trustees may, during the two months following their election or their appointment, impose a new assessment upon the dissentient inhabitants according to the procedure prescribed by articles 363 and following of this act. R. S., 2084, § 2, *am.*

School dis-  
tricts consti-  
tuted by  
trustees.

**300.** Trustees may constitute their own school districts, distinct and separate from the school districts established by the school commissioners. R. S., 2085, *in part, am.*

## CHAPTER SEVENTH

### SECRETARY-TREASURERS OF SCHOOL COMMISSIONERS AND TRUSTEES

#### SECTION I

#### GENERAL PROVISIONS

Appointment  
of secretary-  
treasurer and  
his remunera-  
tion.

**301.** Every school board shall have an officer called the secretary-treasurer, whom it appoints and may dismiss at pleasure, and whose remuneration it fixes by resolution. R. S., 2087, *am.*, 2110.

When to be  
appointed in  
newly formed  
municipality.

**302.** In every newly formed municipality, the secretary-treasurer must be appointed within thirty days after the election or the nomination of the members of the school board. M. C., 142, *in part, mod.*

Oath of sec-  
retary-treas-  
urer and  
security to be  
furnished by  
him.

**303.** Every secretary-treasurer, before acting as such, must make oath faithfully to discharge the duties of his office, and must have given the security required by article 308 of this act. (*See Forms Nos. 1 and 11*). M. C., 144, *part, mod.*

Where to  
reside and  
hold his office.

**304.** The secretary-treasurer may reside beyond the limits of the municipality, but he must have his office in the place where the sessions of the school board are held, or in any other place fixed by resolution of the school board; provided the same be not in a hotel, inn, or in any other place where intoxicating liquors are sold. M. C., 171, *in part, mod.*

Hours during  
which office  
to be open.

**305.** The school board shall also fix by resolution the days and hours during which the office of the secretary-treasurer is open to the public. *New.*

**306.** The secretary-treasurer may appoint an assistant secretary-treasurer, with the same rights, powers and obligations as the secretary-treasurer himself. Assistant secretary-treasurer.

The assistant secretary-treasurer shall enter into office as soon as he has received written notice of his appointment, and he may be removed at pleasure by the secretary-treasurer. Entry into office.

He is not bound to give security, and, in the exercise of his functions, he shall act under the responsibility of the secretary-treasurer who appointed him, and under that of the sureties of that officer. Not bound to give security, and acts under responsibility of secretary-treasurer. R. S., 2113, §§ 1, 2, 3.

**307.** The secretary-treasurer and the assistant secretary-treasurer cannot be either a member of the school board or a teacher that it employs. Neither to be member of the school board nor teacher in its employ. R. S., 2111, *am.*

## SECTION II

## SECRETARY-TREASURER'S SECURITY

**308.** Every secretary-treasurer shall, before entering upon his duties as such, give security to the school commissioners or trustees, either by a notarial instrument, the minute of which shall remain with the notary receiving it, or by a bond under private seal signed and acknowledged before a justice of the peace, or by a policy of a guarantee insurance company, under the provisions of article 311 of this act. Security to be furnished by secretary-treasurer. R. S., 2088, 2094a, *in part.*

**309.** The security, by notarial instrument or by bond under private seal, is given by at least two solvent sureties, jointly and severally, to the satisfaction of the chairman of the school commissioners or trustees, as the case may be. If furnished by bond. (See *Form No. 11.*)

A copy of such surety bond shall be sent to the Superintendent of Public Instruction within fifteen days after it is executed. Copy to be sent to Superintendent. R. S., 2083, 2089, *in part, mod.*

**310.** Whenever the security is entered into by bond under private seal, the original thereof shall, within thirty days after its acceptance, be deposited in the hands of the registrar of the county, who shall keep the same in his custody, and may deliver certified copies thereof, which shall, to all intents and purposes, be authentic. Deposit thereof with registrar.

For every such copy the registrar may demand and receive ten cents for every hundred words therein. Fee for copies. R. S., 2090.

**311.** The security by insurance policy or contract shall be made in favor of the school commissioners or trustees by a guarantee insurance company lawfully constituted, and accepted by the said school commissioners or trustees by resolution adopted by them for that purpose. Security by insurance policy.

Payment of premiums.

The insurance premium may be paid by the school commissioners or trustees and afterwards retained by them out of the salary or remuneration of the secretary-treasurer.

Notice to be given to Superintendent.

Notice of such security shall be given to the Superintendent of Public Instruction during the fifteen days following the receipt of the insurance policy which it guarantees. R. S., 2094*a*, *mod*.

How long it remains in force. When renewed.

**312.** Such security remains in force in case the engagement of the secretary-treasurer is continued ; but it shall be renewed whenever its renewal is required by the school commissioners or trustees. R. S., 2089, *and new*.

#### SECTION III

##### THE SECRETARY-TREASURER'S SURETIES

Sureties not be members of school board, &c.

**313.** The sureties of a secretary-treasurer cannot be members of the school board whereof such secretary-treasurer is or was the employee, before being discharged from all obligations arising out of the security bond. M. C., 155.

Obligation incurred by sureties.

**314.** The sureties bind themselves, jointly and severally with the secretary-treasurer, towards the school corporation for the faithful performance of the duties of his office and for the payment of all moneys for which he may be accountable in the exercise of his office, in principal, interest, costs, penalties and damages. R. S., 2089, *mod*.

If surety fails, &c., secretary-treasurer to notify school board.

**315.** Whenever one of his sureties dies, fails or becomes insolvent, or removes his domicile outside the limits of the district, the secretary-treasurer must, as soon as he becomes aware of such fact, notify the same, in writing, to the chairman of his school corporation, under a penalty of one hundred dollars. R. S., 2093, *in part*.

How sureties become discharged and when.

**316.** The sureties of the secretary-treasurer may at any time free themselves from the suretyship. Thirty days after having served a notice of their intention to that effect upon the secretary-treasurer himself and upon the chairman of the school board, they become free, for the future, from all liability towards the secretary-treasurer and the school board.

Notice to that effect.

Such notice is given and served by a notary or by the surety himself in writing delivered in presence of a witness. R. S., 2091.

Other sureties to be furnished.

**317.** The secretary-treasurer shall, within fifteen days after the service of the notice mentioned in each of the two preceding articles, furnish other sureties ; in default of his so doing, he shall not perform any of the duties of his office, under a penalty of a fine of twenty dollars for each infraction. R. S., 2092, *am*.

Penalty if secretary-treasurer acts in the mean time.

**318.** The sureties of the secretary-treasurer, after they are freed from their bond, or after the secretary-treasurer has ceased to discharge the duties of such office, may exact from the chairman of the school board a certificate of discharge, which certificate shall be deposited in the registry office when the surety bond is under private signature. R. S., 2094, *am.*

Formal discharge may be exacted by sureties.  
Registration thereof.

## SECTION IV

## GENERAL DUTIES OF SECRETARY-TREASURERS.

**319.** The secretary-treasurer, in consideration of the remuneration which he receives, shall fulfill all the duties imposed upon him by this act. R. S., 2112, *in part.*

Duties to be performed by secretary-treasurer.

**320.** The secretary-treasurer is the keeper of all the registers, books, plans, maps, and other documents produced, filed and preserved in his office.

To keep books, &c.

He cannot divest himself of the custody of any documents contained in the archives of the school board, except with the permission of such board or under the order of a competent court or of the Superintendent of Public Instruction. R. S., 2095, *am.*

Cannot divest himself thereof without permission.

**321.** The secretary-treasurer attends all meetings of the school corporation and, in accordance with article 213 of this act, draws up minutes of all the acts and proceedings thereof, in the book kept for that purpose. R. S., 2096.

To attend all meetings, &c.

**322.** Copies and extracts, certified by the secretary-treasurer from all books, registers, archives, and other documents, are deemed authentic. R. S., 2099, *mod.*

Authenticity of copies, &c., certified by him.

**323.** The secretary-treasurer collects and has charge of all the moneys of the school corporation. R. S., 2100, *am.*

To collect all moneys of corporation.

**324.** The secretary-treasurer shall pay, out of the funds of the school corporation, all sums of money due by it; but he shall not make any payments except when authorized so to do by resolution of the school board.

To pay all sums due by it.  
Authorization required.

If, however, the sum to be paid does not exceed ten dollars, the authorization of the chairman is sufficient. R. S., 2101, *mod.*

Same if amount under ten dollars.

**325.** In the absence of authorization from the school corporation or from its chairman, the secretary-treasurer may pay, out of the funds of the corporation, any draft or order drawn upon him, or any sum demanded by any one empowered so to do by the provisions of the school laws or regulations.

Payments under certain conditions.

Order to show application of moneys.

No draft or order shall, however, be legally paid, unless it specifies the use to be made of the sum therein mentioned. R. S., 2102, 2103.

Secretary-treasurer under penalty not to :  
Grant discharges, &c., without payment ;  
Lend corporation moneys.

**326.** No secretary-treasurer shall, under a penalty of twenty dollars for each infraction :

1. Grant discharges to rate-payers, or other persons indebted to the school corporation, without having received the amount mentioned in such discharges ;

2. Lend, directly or indirectly, to rate-payers, or to any other persons, money belonging to the school corporation. R. S., 2104.

Secretary-treasurer to keep in prescribed form books of account, &c. ;

**327.** The secretary-treasurer is bound to keep, in the form prescribed, books of account, in which he enters, according to date, each item of receipt and expenditure, mentioning therein the names of all persons who have paid money into his hands, or to whom he has made any payment. R. S., 2105.

To keep all vouchers for expenditure ;

**328.** The secretary-treasurer must keep, amongst the archives of the school corporation, all vouchers for his expenditure. R. S., 2106.

To keep repository for certain purposes.

**329.** The secretary-treasurer is bound to keep a " repository," in which he mentions, in a summary manner and in the order of their dates, all reports, acts of apportionment, valuation rolls, collection rolls, judgments, statements, notices, letters, maps, plans, and other documents whatsoever, that he makes or are in his possession during the exercise of his office. R. S., 2107.

All secretary-treasurer's books, &c., open to inspection.

**330.** The secretary-treasurer's books of account and vouchers for his expenditure, together with all the registers or documents in the archives of the school board, are open for inspection and examination by any interested party, or their attorneys, on office days.

Notes thereof may be taken.

Such persons, either themselves or by their attorneys, may take all notes or copies which they require. R. S., 2108.

Secretary-treasurer to deliver copies of entries on lists, &c., upon payment of fees.  
To deliver same gratuitously to certain persons.

**331.** The secretary-treasurer is bound to deliver, upon payment of his fees, which are ten cents per hundred words, to any person applying for the same, copies of or extracts from any book, roll, register, document, or other paper which forms part of the archives.

He is, nevertheless, bound to furnish, gratuitously, any copy or extract required by the Lieutenant-Governor, the Superintendent of Public Instruction, the Council of Public Instruction and its committees, or by members of the school corporation or its officers. R. S., 2109. *am.*

## SECTION V

## ACCOUNTING BY SECRETARY-TREASURERS

**332.** Unless otherwise specially provided, every secretary-treasurer shall prepare and submit to the school commissioners or trustees, during the first week of the month of July in each year, a detailed statement, duly audited, of the receipts and expenditure of the municipality for the year ending on the preceding thirtieth of June. R. S., 2114, § 1, *am.* Detailed statement of accounts during July yearly.

**333.** Each year, during the month of July, the school commissioners and trustees shall have the accounts of the secretary-treasurer audited by one or more auditors whom they appoint. Accounts to be audited.

Before entering into office, such auditors shall take an oath to conscientiously perform the duties of their office. R. S., 2115, *am.* Oath of office of auditors.

**334.** As soon as his accounts have been audited under the provisions of the preceding article, the secretary-treasurer shall prepare a summary of receipts and expenditure, as well as of assets and liabilities, which he afterwards submits to the rate-payers of the municipality at a meeting called by him for the purpose, which he must convene in the same manner as a meeting for the election of commissioners or trustees. R. S., 2114, § 2, *in part, am.* After accounts are audited secretary-treasurer to submit summary to public meeting.

**335.** On the Sunday preceding the meeting which he shall convene in virtue of the preceding article, the secretary-treasurer shall read or post or read and post the summary of his statement of accounts in the manner prescribed by articles 277 and following of this act, or he causes the same to be inserted in a newspaper at least eight days before such meeting, in conformity with the provisions of article 281 of this act. Reading or posting of such summary on Sunday before meeting, &c.

He shall furnish to every rate-payer, requiring the same, a copy of such summary in consideration of the payment of the sum of twenty-five cents or a copy of the statement as approved by the school board, upon payment of ten cents per hundred words for each copy. R. S., 2114, *in part, §§ 2, 3.* Copy to be furnished upon payment of fees.

## SECTION VI

## EXAMINATION OF THE ACCOUNTS OF SECRETARY-TREASURERS

**336.** Whenever they deem it necessary, or upon a written application addressed to them by at least five rate-payers, or by the secretary-treasurer himself, school commissioners and trustees shall order an audit of the accounts of the secretary-treasurer in office or out of office for the year ending upon the first of the preceding July, or for any of the previous years, by one or more auditors appointed by them for that purpose, even when the accounts have already been Audit at the instigation of school commissioners, &c.

audited in conformity with the provisions of article 333 of this act.

Payment of costs thereof.

The costs of such audit are payable by the secretary-treasurer if there is a deficiency in his accounts, if not, they are chargeable to the persons who have demanded it, if it did not benefit the school municipality concerned. R. S., 2121, 2123, *am. and new.*

Notice to secretary-treasurer of any regular or special audit.

**337.** In the case of any regular or special audit of the accounts of the secretary-treasurer, the auditor or auditors shall, at least five days before the date fixed for the audit, give special notice to the secretary-treasurer in conformity with the provisions of this act or a written notice served by a bailiff upon him who makes a return of such service, requiring such secretary-treasurer to attend, so as to give all the explanations or documents that may be required of him. R. S., 2116, § 1, *am.*

Auditing proceeds in absence of secretary-treasurer, &c.

**338.** If the secretary-treasurer refuse or neglect to comply with the order served upon him, under the preceding article, the auditor or auditors shall, nevertheless, proceed to the examination and auditing of the accounts, and shall make and forward their report to the commissioners or trustees, as the case may be, together with a statement of the amount of their costs and expenses. The commissioners or trustees shall, at a regular meeting, adopt the said report, in whole or in part, shall certify the amounts, if any, to which the auditors are entitled for expenses, and shall cause a copy of the resolutions, adopted by them respecting the report, to be served upon the secretary-treasurer by a bailiff. R. S., 2116, § 2.

Payment by secretary-treasurer of sum deficient.

**339.** If the auditor's report establish a deficiency in the accounts, the secretary-treasurer shall, within fifteen days after such service, pay the amount which shall have been so found deficient. R. S., 2117, *am.*

Recovery by suit.

**340.** If the secretary-treasurer refuse or neglect to comply with the provisions of the preceding article, he may be sued by the school board or by any interested rate-payer before the circuit court of the county or district, and may be condemned to pay the amount which he admits or which has been declared to be due, together with all such other sums as the court may inflict upon him, including the costs of the prosecution.

Coercive imprisonment.

Such judgment carries with it coercive imprisonment if the same has been demanded in the action. M. C., 167, *mod.*

Prescription of suits against secretary-treasurer.

**341.** All actions or claims against the secretary-treasurer resulting from his administration are prescribed in five years from the day on which such actions or claims originated. M. C., 170.



## TITLE THIRD.

## VALUATION OF PROPERTY—SCHOOL TAXES.

## CHAPTER FIRST

## VALUATION OF PROPERTY

**342.** The valuation of property, which has been made by order of the municipal authorities, shall serve as the basis of the assessments to be imposed by school corporations. Basis for valuation of property.  
R. S. 2128, *in part, mod.*

**343.** In all municipalities where a valuation roll has been made by order of the municipal authorities, the secretary-treasurer of the municipal council or any other person who may be the custodian thereof, shall, within fifteen days after demand in writing from the chairman or the secretary-treasurer of any school municipality comprised in whole or in part within the limits of such municipality, furnish a certified copy of the valuation roll or of that part of it which may be indicated to him, under penalty of a fine of twenty dollars in the case of refusal or neglect. Certified copy of municipal valuation roll to be supplied to secretary-treasurer after notice to that effect. Penalty for refusal. (*See Form No. 13.*) R. S., 2132, § 1.

**344.** Whenever the valuation roll of the municipal council comprises more territory than the school municipality, a copy of so much thereof as relates to such school municipality shall be sufficient. Copy of part in certain cases only.

For every copy of the valuation roll or part thereof thus supplied, the depository thereof shall be entitled to receive the sum of ten cents per hundred words and fifty cents for the certificate. R. S. 2132, §§ 2, 3. Fee therefor.

**345.** The secretary-treasurer of the municipal council is bound to give notice of the changes that have been made in the valuation roll to the secretary-treasurers of the school boards which such changes affect, within fifteen days after such changes have been made. Notice of changes in roll. *New.*

**346.** If no valuation has been made by order of the municipal authorities, or if the valuation roll could not be obtained within the delay prescribed by article 343 of this act, the school board shall at once cause a valuation to be made by three competent persons residing in the municipality. Roll to be made by school board in certain cases.  
R. S., 2129, *mod.*

Superintendent to appoint valuers if school board does not proceed.

**347.** If, in the case mentioned in the preceding article, the school commissioners or trustees, as the case may be, do not proceed to the valuation of the property of their municipality, the Superintendent of Public Instruction may appoint three competent persons resident in the municipality to make such valuation. R. S., 2130, *am.*

New roll to be made for municipality formed out of several, if valuations higher in one than in the other.

**348.** When a school municipality has been formed of parts of different municipalities, or when a part of a municipality has been annexed to another already in existence, and when the property is valued at a higher rate in one than in the other, the commissioners or trustees of the new school municipality or of the municipality to which a part of another municipality has been annexed, shall cause to be made, by three competent persons residing therein, a valuation of the property within its limits. If not, such valuation may be ordered by the Superintendent of Public Instruction, as in the case provided for in the preceding article. R. S., 2131, § 1, *mod.*

If not, such may be ordered by Superintendent.

Powers of valuers.

**349.** The persons authorized to make the valuation, upon which school taxes in any municipality are to be based, have the right to enter at any reasonable time in and upon any property to inspect the said property, and to require from the proprietor or occupant any useful information. R. S., 2133, *in part.*

Penalty for interfering with valuator in performance of his duties, &c.

**350.** All persons who interfere with a valuator in the exercise of his duties, or who refuse to give him the information which he demands, are liable to a fine of four dollars. R. S., 2133, *in part.*

Deposit of roll after completion.

**351.** After the completion of the valuation roll which they were instructed to make, the valuers shall, after having certified to the same before a justice of the peace, deposit the valuation roll in the office of the secretary-treasurer of the school board for which it was made. R. S., 2131, § 2, *in part.*

Notice of deposit, &c.

**352.** The secretary-treasurer of the school board must then, without delay, give notice, in the manner prescribed by article 277 of this act, that the valuation roll has been deposited in his office, where it will remain during thirty days for examination by those interested. (*See Form No. 14.*) R. S., 2131, § 2, *am.*

Examination and correction of the roll.

**353.** The school commissioners or trustees shall, during the thirty days that follow the notice given in virtue of the preceding article, even when there have been no complaints, examine and amend the valuation roll, correct any errors.

made in entering valuations or the names of persons assessed, in the description of the lands included and in the calculation of the assessments, and strike out or insert the names of persons, and the description of the lands which have been included or omitted by error. M. C., 734.

**354.** Any rate-payer may demand that the valuation roll be amended, either by making written application at the office of the secretary-treasurer, on or before the day fixed for the examination of the roll by the school board, or by making verbal complaint before the school board at the time of the examination. M. C., 735. Complaints against roll.

**355.** The school board shall, before proceeding to the examination of the valuation roll, prescribed in the preceding article, make known to the rate-payers of the municipality, by public notice, the day and the hour of the session at which the same is to be commenced. M. C., 736. Notice to be given for examination of roll.

**356.** The school board, during the examination of the valuation roll, shall take cognizance of the written complaints produced at its office and hear all interested parties present, as well as their witnesses. M. C., 737. Examination of written complaints, &c.

**357.** After the expiration of the thirty days mentioned in article 353 of this act, the commissioners or trustees may amend the valuation roll when they deem it expedient, after having, by public notice to that effect, given eight days in advance, indicated the day and the hour when they will hold the meeting during which the amendment will be made. Examination and amendment of roll, after notice.

The roll is homologated *pleno jure* if the commissioners or trustees neglect or refuse to examine it during the thirty days mentioned in article 353 of this act. R. S., 2131, § 3, *mod.* Homologation.

**358.** Every amendment made to the valuation roll shall be entered on the roll itself or annexed to it on a sheet of paper initialed by the secretary-treasurer. M. C., 738. Amendments how entered.

**359.** A declaration, bearing the signature of the chairman and of the secretary-treasurer, attesting the correctness of the amendments and determining their number, also the date on which they were made, should there be any, shall be inscribed on the roll or be annexed thereto, whereupon the roll is *pleno jure* homologated. M. C., 738. Certificate respecting amendments, &c.

**360.** The valuation roll shall serve as a basis for the collection roll of the school commissioners or trustees, and it remains in force until such time as the municipal or school authorities have made another according to law. R. S., 2131 § 4. Valuation roll basis of collection roll, &c.

Amendment  
of valuation  
roll.

Amendment  
of assessment.

**361.** The valuation roll can be amended only by the authority which had ordered its preparation.

But the assessment based on such valuation roll shall be amended only by the school commissioners or trustees, as the case may be. R. S., 2134, *mod.*

Qualification  
of valuers.

**362.** Every valuator for school purposes shall possess immovable property in the municipality in which he is called upon to act, representing a net value of four hundred dollars according to the valuation roll of the municipality, and any one acting in the capacity without this qualification is liable to a fine of ten dollars. R. S., 2135, *am.*

## CHAPTER SECOND

### SCHOOL TAXES.

#### SECTION I

#### IMPOSITION OF SCHOOL TAXES

When assess-  
ments, &c.,  
are to be  
imposed.

**363.** School assessments and monthly fees are imposed by all school corporations, whether school commissioners or trustees, between the first day of July and the first day of September in each year.

If made  
thereafter.

The imposition of these taxes shall not, however, be considered null if made after the delay fixed. R. S., 2136, §§ 1, 2, *in part.*

Collection  
roll to be  
then made.  
Special col-  
lection roll in  
certain cases.

**364.** After the imposition of these taxes, the secretary-treasurer shall, without delay, make a collection roll.

He shall also make a special collection roll whenever a special assessment has been imposed after the making of the general collection roll, or whenever he is ordered so to do by the school board. M. C., 954, *mod.*

What collec-  
tion roll to  
contain.

**365.** If the collection roll is general, it should mention in detail in as many distinct columns all the taxes, as well for assessments as for the monthly fees. M. C., 955, *mod.*

Notice of de-  
posit of col-  
lection roll,  
and what to  
contain.

**366.** The secretary-treasurer, after having completed a general or special collection roll, shall announce, by public notice given in conformity with articles 277 and following of this act, that the roll is deposited in his office, where it may be examined by those interested during the thirty days following the date of said notice; and that it will be homologated at a meeting of the school board, the date being given, which must be within the delay of ten days mentioned in the following article, and that, during the twenty days fol-

lowing the thirty days' delay above-mentioned, all rate-payers should pay their taxes at his office without further notice. (*See Form No. 15*). R. S., 2136, §§ 4, 5, 7, *in part, mod.*

**367.** The commissioners or trustees must, during the ten days following the delay of thirty days during which the roll remains in the office of the secretary-treasurer for examination by the parties interested, even though no complaint has been made, examine and amend the collection roll, rectify the errors made in transcribing the valuations, the names of persons taxed, the descriptions of lands entered therein, or in the calculations of the taxes imposed and homologate such roll. R. S., 2136, § 6, *am.* Examination, &c., of roll.

**368.** Any rate-payer may demand that the collection roll be amended either by producing a complaint in writing before or upon the day fixed for the examination and homologation of the roll, or by stating his complaint orally at the examination. R. S., 2136, § 8, *in part.* Complaints against roll.

**369.** The school commissioners or trustees must take into consideration all complaints made orally or in writing and hear all interested persons present. R. S., 2136, § 8, *in part.* All complaints to be taken into consideration, &c.

**370.** Any amendment made to the collection roll must be entered upon it or on a paper annexed thereto with the initials of the secretary-treasurer. R. S., 2136, § 9, *in part.* Entry of amendments to roll, &c.

**371.** A declaration indicating the amendments must be entered upon or annexed to the collection roll, under the signatures of the chairman and the secretary-treasurer; after which the said roll comes into force and the said taxes are exigible. (*See Form No. 15.*). R. S., 2136, § 9, *in part.* Certificate as to amendments to roll, &c.  
Coming into force thereof.

**372.** School taxes bear interest after thirty days from the date when they become exigible. Interest on school taxes.

They are prescribed by three years. R. S., 2136, § 9, 2189, *in part.* Prescription of school taxes.

## SECTION II

### COLLECTION OF TAXES

**373.** The local council of any city, town, village or rural municipality, when it is so required by the school commissioners or trustees of a school municipality situate wholly or partly in its territory, shall collect the taxes of such school municipality at the same time as its own. R. S., 2141, *in part, am.* Collection of school taxes at the same time as municipal taxes by municipalities.

Payment over  
to school  
secretary-  
treasurer.

**374.** The secretary-treasurer of the municipal council charged, under the preceding article, with the collection of school taxes, shall, so soon as he has collected them, hand over the entire amount to the secretary-treasurer of the school board to which they belong. R. S., 2141, *in part, am.* C. M., 952.

Collection of  
taxes by sec-  
retary-treas-  
urer of school  
boards.

**375.** If the school commissioners or trustees, as the case may be, have not availed themselves of the provisions of article 373 of this act, the secretary-treasurer of the school board, at the expiration of the delay of twenty days prescribed by article 366 of this act, shall demand payment of all sums entered in the collection roll and remaining uncollected from the persons liable for the same, by serving or causing to be served upon them a special notice to that effect, accompanied by a detailed statement of the sums due by them. (*See Form No. 16.*) R. S., 2137, §§ 1, 2, *in part, am.* M. C., 961.

Notice.

Service of  
school notices  
how effected:

On residents;

On non-resi-  
dents.

**376.** The service prescribed by the preceding article is effected, as respects rate-payers residing in the municipality, by leaving a copy of the special notice with the person to whom it is addressed, in person, or with a reasonable person at his domicile or place of business; as respects non-resident rate-payers, by depositing a copy thereof in a sealed and registered envelope, addressed to the person for whom it is intended at the place of his residence or business, or at the nearest post-office. But no non-resident rate-payer can plead that he has not received such notice, if he has not a known agent in the municipality, or if he has not left his address in writing at the office of the secretary-treasurer of the school board. R. S., 2137, § 3, *in part.*

Fees on notice  
how fixed.

**377.** The fees to which the secretary-treasurer has a right for such special notice and for the costs of service shall be fixed by resolution of the school board. R. S., 2137, § 3, *in part.*

#### SECTION III

#### SEIZURE OF MOVABLES

Seizure and  
sale of goods  
and chattels.

**378.** Fifteen days following the service of the notice prescribed by article 375 of this act, the secretary-treasurer may levy the sums due and costs by seizure and sale of all the goods and chattels of the persons entered on the roll, which may be found within the limits of the municipality. R. S., 2137, § 4, *am.*

Warrant for  
such purpose.

**379.** The seizure and sale, which are had in conformity with the provisions of the preceding article, are made under a warrant signed by the chairman of the school board. (*See Form No. 17.*) R. S., 2137, § 5, *in part, mod.*

**380.** The warrant issued for the seizure and sale is How address-  
 addressed to a bailiff, who shall execute it under his oath of ed, &c.  
 office and according to the same rules as a writ of execution  
*de bonis* issued by the circuit court.

The chairman of the school board, in issuing such war- Personal  
 rant, does not incur any personal responsibility; he acts irresponsibil-  
 under the responsibility of the school corporation in whose ity of person  
 interest the distress is made. R. S., 2137, §§ 5, 6, *in part, mod.* signin same.

**381.** The day and place of sale of the goods and chattels Notice of  
 so seized must be announced by the seizing bailiff by public sale.  
 notice in the ordinary manner.

Such notice must also state the names and quality of the What to con-  
 person whose goods and chattels are to be sold. (*See Form* tail.  
*No. 18.*) R. S., 2137, § 7.

**382.** If, at the time of the seizure or sale, the debtor is If doors, &c.,  
 absent, or if there is no person to open the doors of the closed, &c.  
 house, cupboards, chests or other closed places, or in the  
 event of refusal to open the same, the bailiff may, by an  
 order of the chairman of the school commissioners or trust-  
 ees, or of any justice of the peace, cause the same to be  
 opened by the usual means in presence of two witnesses,  
 with all necessary force. R. S., 2137, § 8; M. C., 965.

#### SECTION IV

#### OPPOSITIONS TO THE SEIZURE AND SALE OF MOVEABLES AND OPPOSITIONS FOR PAYMENT.

**383.** The party seized upon and any person having a right Opposition to-  
 of property or of pledge in the effects seized may oppose the seizures and  
 seizure and sale, the former for any of the reasons enumerated sales.  
 in article 645 of the Code of Civil Procedure, and the latter  
 for any of the reasons enumerated in article 646 of the said  
 Code.

**384.** The opposition must be accompanied by an affidavit Affidavit in  
 attesting that the allegations therein contained are true, and support  
 that it is not made with intent to unjustly retard the sale, thereof.  
 but with the view of obtaining justice. It is served upon the Service upon  
 bailiff entrusted with the execution of the distress warrant seizing bailiff.  
 and is returned to the office of the circuit court of the county  
 or district or of the magistrates' court within the eight days  
 following the service thereof. R. S., 2138, § 2, *mod.*

**385.** On the service of an opposition, the bailiff must Stay of pro-  
 stay his proceedings, and, within the eight days following ceedings and  
 such service make a return of all his proceedings respecting return to  
 the distress warrant to the clerk of the court mentioned court.  
 in the opposition. R. S. 2138, § 5, *in part.*

Contestation  
thereof, &c.

**386.** The opposition is subsequently contested, heard, and decided according to the rules of procedure governing oppositions to the seizure and sale of moveables before the court before which it is brought.

Proceedings  
upon dismis-  
sal of opposi-  
tion.

**387.** When the opposition to the seizure and sale is dismissed, the court orders the bailiff entrusted with making the same or any other bailiff to proceed with the distress warrant and, upon the delivery to him of such warrant and of a copy of the judgment, the bailiff proceeds with the sale of the goods and chattels seized, after having given notice in the usual way. R. S., 2138, § 8.

Payment  
over of pro-  
ceeds of sale, if  
no opposition  
made.

**388.** When no opposition to the distribution of the proceeds of the sale of the moveables is made, the bailiff returns the warrant and his proceedings thereon, and pays over the proceeds of the sale, after deduction of the costs of seizure and sale, to the secretary-treasurer who applies such proceeds towards the payment of the school taxes for which the distress warrant was issued. R. S., 2138, § 9.

Payment in  
cases of oppo-  
sition.

**389.** If opposition is made to the payment of the proceeds of the sale, the bailiff must pay over the moneys in his hands, after deduction of the costs of seizure and sale, to the secretary-treasurer, who receives the same on deposit, and make a return of all his proceedings respecting the seizure and sale to the court mentioned in the opposition.

Contestation  
thereof.

The opposition is afterwards contested, heard and decided according to the rules of procedure governing oppositions for payment before the court before which it is brought.

Distribution  
and payment  
of proceeds.

The proceeds of the sale are distributed by the court, and they are paid by the secretary-treasurer according to its order. R. S., 2138, §§ 6 and 7.

Payment of  
surplus to  
party seized  
upon.

**390.** If there be any surplus, it is paid by the secretary-treasurer to the rate-payer whose goods and chattels were sold.

#### SECTION V

##### SALE OF IMMOVABLES FOR TAXES

Secretary-  
treasurer to  
prepare :  
Statement of  
school assess-  
ments, &c.,  
due ;

**391.** The secretary-treasurer must prepare, in the course of the month of November in every year :

Statement of  
balances due  
after issue of  
warrant of  
distress, &c.

1. A statement of the school assessments and monthly fees remaining due by rate-payers residing in the municipality and by those who are absent.

2. A statement of the school assessment and monthly fees due by rate-payers residing in the municipality and by those who are absent, with respect to whom either a warrant of distress or a writ of execution has been returned unsatisfied, and of any costs incurred and unpaid ; showing the names



and qualities of such rate-payers, and a description of the lands liable for the payment of such taxes, according to the valuation and collection rolls. R. S., 2139, *am.*, 2140 *in part*.

**392.** Such statement shall be submitted to the school commissioners or trustees, as the case may be, and must be approved by them. R. S., 2139, *am.*, 2140, *in part*. Statement to be submitted to school board.

**393.** The secretary-treasurer shall, before the twentieth day of December, transmit the statements mentioned in the preceding article to the secretary-treasurer of the county council; and the latter shall proceed to the sale and adjudication of the lands mentioned therein in the same manner as in the case of a statement of municipal tax arrears transmitted by the secretary-treasurer of a local municipality. Statement to be sent to secretary-treasurer of county council who proceeds to sell immoveables.

**394.** The provisions of the Municipal Code respecting the redemption of immoveables sold for arrears of municipal taxes apply to the redemption of immovables sold in virtue of this article. R. S., 2140, *in part, am.* Provisions respecting redemption apply to such sales.

**395.** The secretary-treasurer of the county council shall, without delay, pay over the amounts recovered to the secretary-treasurer of the school corporation for which he collected them. R. S., 2140, *in part, am.* Payment to secretary-treasurer of amounts collected.

**396.** Whenever the taxes to be collected are due upon town or city properties, the procedure prescribed in the preceding articles may be followed by the clerks or secretary-treasurers of the municipal corporations of the said town or city when it is not otherwise provided by special statute. R. S., 2140, *in part, am.* When taxes are due in city or town, proceedings to be adopted by them.

#### SECTION VI

##### COLLECTION OF TAXES FROM CORPORATIONS AND COMPANIES LEGALLY CONSTITUTED.

**397.** The school commissioners for any school municipality shall alone have the power of levying assessments on the lands and real estate of corporations and companies legally constituted; but they shall annually pay over to the trustees, when there are any, a portion of all the assessments levied and collected by them on such corporations or companies, in the same proportion as the Government grant for the same year is divided between them and the said trustees, as provided by article 295 of this act. R. S., 2143, § 1, *mod.* Levying of assessments on corporations &c., by commissioners. Payment over of portion to trustees.

**398.** The portion of assessments levied from corporations and companies legally constituted for the purpose of building or repairing school-houses, paid over to the trustees, shall Application of moneys received by trustees.

be set apart by them for the building or the repairing of their school-houses. R. S., 2143, § 2.

If property situated within limits of two school corporations.

**399.** When the immoveable property of corporations and companies legally constituted are situate within a territory placed under the administration of two corporations of school commissioners of different religious belief established in virtue of article 97 of this act, that one of the two corporations, which comprises the greatest number of rate-payers entered on the valuation roll, shall be bound to levy the taxes affecting such property, and to divide the same proportionately to the number of children from five to sixteen years of age residing in each of them. R. S., 2143, § 3, *am.*

Commutation of assessments on property for certain time by commissioners.

**400.** School commissioners may, by a resolution approved by the Lieutenant-Governor in Council, upon the recommendation of the Superintendent of Public Instruction, commute for the payment annually of a certain determinate sum of money for a number of years not to exceed ten, the school assessments on immoveable property belonging to any person, firm or company lawfully constituted for carrying on any manufacturing or industrial undertaking within the limits of their municipality. R. S., 2048, *in part.*

Same by trustees.

Collection in such case.

**401.** School trustees may, in the same manner as school commissioners, commute their share of such school assessments. But in such case, the school commissioners shall collect from such person, firm or company mentioned in the preceding article, the sum for which the said dissentient school trustees have commuted and account to the latter. R. S., 2048, *in part.*

If trustees do not commute.

**402.** If the school trustees do not deem it advisable to commute their share of school assessments, the school commissioners shall continue to levy and collect from any such person, firm or company above-mentioned, and shall pay annually to the school trustees, the amount of the assessments which the said trustees would have been entitled to receive, in accordance with article 397 of this act, if the commissioners had not commuted their share of the said school assessments. R. S., 2048, *in part.*

What commutation shall affect.

**403.** Unless there is an agreement to that effect, the commutation of assessments shall not apply to the special assessments which may be imposed in virtue of any of the provisions of this act. *New.*

Exempted property.

**404.** No religious, charitable or educational institution or corporation shall be assessed, under any provision of this act, on the property occupied by them for the objects for which they were instituted. R. S. 2144, *in part.*

**405.** All property held by any of the institutions or corporations mentioned in the preceding article for the purpose of deriving any income therefrom, shall be assessed by the school commissioners or trustees of the religious majority or minority to which such corporations or institutions belong, and to the exclusive benefit of such majority or minority, or in conformity with the declarations which they may make to that effect. R. S., 2144, *mod.*

Assessment of property held for purposes of revenue.

**406.** When the religious body to which such corporations or institutions belong is not defined, or where no such declaration has been made, then the taxes to which they are liable are collected in the same manner and have the same destination as those of the properties of other corporations and companies legally constituted mentioned in article 397 of this act. R. S., 2144, *mod.*

If religious body to which institution belongs not defined.

#### SECTION VII

##### ASSESSMENT OF NON-RESIDENT RATE-PAYERS

**407.** Any rate-payer, being a proprietor, who does not reside in a municipality in which a board of trustees is established, may declare in writing to the school commissioners and trustees his intention of dividing his assessments between the schools under control of the commissioners and those under control of the trustees.

Division of assessments under declaration of absent owner.

In such case, the school commissioners shall collect such assessments, and shall pay over to the trustees such part and proportion thereof as such proprietor may direct. R. S., 2145, *am.*

Collection in such case.

#### SECTION VIII

##### SPECIAL ASSESSMENTS FOR CERTAIN PURPOSES

**408.** Whenever a general or special assessment imposed by the school commissioners or trustees in any school municipality, is annulled, such school commissioners or trustees shall forthwith, in a summary manner, cause an assessment roll to be made, which new assessment shall have effect in such municipality for the whole time, past and future, for which the assessment so annulled or set aside would have been in force if it had been valid. R. S., 2142, § 1.

New roll in certain cases.

**409.** Every assessment annulled shall be declared invalid for the future only, and shall not affect any judgments then already rendered to enforce such payments. R. S., 2142, § 2, *in part.*

Effect of annulling roll.

**410.** In every school municipality, the school commissioners or trustees may levy special assessments with the approval of the Lieutenant-Governor in Council, given

Special assessment for payment of debts con-

tracted for  
building  
school-  
houses, &c.

on the recommendation of the Superintendent of Public Instruction, for the payment of debts contracted in good faith, for the construction of model or elementary schools, for an amount greater than that authorized by article 255 of this act; and the collection of such special assessment cannot be opposed by any judgment annulling a previous assessment, either because it exceeded the amount permitted by law or because of the omission of certain formalities.

Costs may be  
included.

Such special assessment may also include the costs incurred by the school corporations for suits to recover assessments previously levied. R. S., 2146*a*, *in part*.

Effect of  
annulling roll  
upon pay-  
ments.

**411.** In case a special assessment is annulled as mentioned in the preceding articles, the rate-payers who have paid their share of such assessment shall not have the right to be reimbursed; but in any subsequent assessment imposed for the same purpose, they shall have credit for the sums paid on the assessment so annulled. R. S., 2146*a*, *in part* 2142, § 2.

#### SECTION IX

##### CERTAIN EXECUTORY PROCEEDINGS AGAINST INDEBTED SCHOOL CORPORATIONS

Special as-  
sessment for  
payment of  
debts.

**412.** The Superintendent of Public Instruction may authorize or order special assessments to be levied in any school municipality or district for the payment of the debts incurred by the school commissioners or trustees within the limits of their powers, or which have been adjudged by a court of justice to be due by such school municipality or district. R. S., 2146, *in part*, *am*.

Apportion-  
ment of debts  
in certain  
cases.

**413.** Debts which have been contracted by a municipality, subsequently divided into several municipalities or the limits of which have been subsequently altered, are apportioned by the Superintendent of Public Instruction among the several municipalities liable for the same. R. S., 2146, *in part*, *am*.

When judg-  
ment is served  
upon school  
corporation,  
meeting to be  
called.

**414.** Whenever a copy of judgment condemning a school corporation to pay a sum of money has been served at the office of the secretary-treasurer of such corporation, he must forthwith convene a meeting of the school board which must then order the payment of the amount due.

Special as-  
sessment to  
be levied in  
such cases.

If the school board has no funds at its disposal, or if those at its disposal are insufficient, it must apply to the Superintendent of Public Instruction for authorization to levy a special assessment to pay the amount of the judgment. R. S., 2147.

Special col-  
lection roll in  
such case.

**415.** If, for the reasons specified in the previous article, the Superintendent of Public Instruction authorizes the levying of such special assessment, steps shall be taken

without delay by the school board to prepare a special collection roll, in the manner and with the formalities required for completing an ordinary collection roll. R. S., 2148.

**416.** The creditor who has a judgment against a school corporation may obtain a writ of execution against such school corporation on production of a copy of the judgment and of one or more affidavits establishing to the satisfaction of the court or judge : Writ of execution or may obtain writ of execution against a school corporation.

1. That the Superintendent of Public Instruction has not given, within the fifteen days that have followed the demand therefor, the authorization to impose the special assessment ;

2. That the special assessment which had been authorized has not been collected ;

3. That the school commissioners or trustees have not proceeded to complete such roll within the fifteen days following the date when the Superintendent of Public Instruction authorized or ordered them to impose the special assessment ;

4. That the school commissioners or trustees refuse or neglect to proceed with the special assessment, the completion of the roll, or the collection of the assessment, in whole or in part. R. S., 2149, *mod.*

**417.** The court which has rendered the judgment, or a judge of such court, may, on petition, grant to the Superintendent of Public Instruction, or to the commissioners or trustees, the delay deemed necessary by the court or judge for completing the collection roll, or for levying the sums of money specified therein, or for any other purpose connected with such roll. R. S., 2150. Delay may be granted to make collection roll, &c.

**418.** The writ of execution, issued under article 416 of this act, is addressed and delivered to the sheriff of the district in which the school municipality in question is situated, and enjoins him : Contents of writ of execution and to whom addressed.

1. To levy from the school corporation, without delay, the amount of the debt with interest and the costs of the judgment and of the execution ;

2. In default of immediate payment by the school corporation, to seize and sell the moveable property of the school corporation, if any, and the real estate belonging to it upon which the judgment creditor may have a privilege or hypothec, and of which the seizure and sale are ordered by such judgment. R. S., 2151.

**419.** In the event of there being no moveable or immovable property belonging to the school corporation to be seized and sold, or, in the event of any such property being insuf- Alias writ of execution.

ficient to satisfy the judgment, on the production of the return of the sheriff to the court to that effect, or after the homologation of the judgment of distribution establishing its insufficiency, an *alias* writ of execution may be issued against the school corporation in default, addressed to the sheriff and enjoining him :

1. To levy from the school corporation the whole or the sum remaining due, as the case may be, of the debt, with interest and costs, including those of the judgment and the subsequent costs incurred, by apportioning the sum required on all the taxable immoveable property in the school municipality liable for the judgment ;

2. To collect the assessment thus imposed and to report to the court as soon as the amount of the debt, interest and costs has been collected, or from time to time, as the court may order. R. S., 2152.

Duty of sheriff, &c., to procure valuation roll, &c.

**420.** The sheriff shall, on payment of the usual fees, to the secretary-treasurer or secretary-treasurers of the municipal corporation or corporations in which the school municipality is situated, procure from him or them a copy of the valuation roll in force ; and, on the refusal or neglect of such secretary-treasurer or secretary-treasurers to furnish such copy, the sheriff is authorized to take possession of the valuation roll or rolls and to make a copy.

If sheriff cannot procure rolls.

If the sheriff cannot obtain the valuation roll, or if none exist, the sheriff proceeds to make a valuation of the taxable property of the school municipality himself. R. S., 2153.

Fees and costs of sheriff.

**421.** The fees and costs of the sheriff in connection with the writ of execution shall be taxed by an order of the court or of a judge thereof ; and such fees and costs, with all lawful disbursements, are added to the amount to be levied. R. S., 2154.

Apportionment and roll to be made by him.

**422.** The sheriff shall proceed to apportion the sum to be levied on all the taxable immoveable property in the school municipality in proportion to its value, according to the valuation roll in force, or according to the valuation made by himself, as the case may be ; and he shall make a special collection roll in accordance with such apportionment. R. S., 2155.

Collection of assessments.

**423.** The sheriff, after having given a similar notice to that prescribed by article 366 of this act, shall collect the assessment, proceeding in the same way as the secretary-treasurer of a school corporation.

Where payable.

Such special assessment is payable at the office of the sheriff. R. S., 2156, 2157, 2158.

**424.** The proceeds of the sale, arising from any seizure in virtue of a warrant issued by the sheriff, shall be paid to the sheriff himself, and not to the secretary-treasurer of the school board. R. S., 2159, *in part*. Payment to sheriff and not to secretary-treasurer.

**425.** Any rate-payer or other person having a right of property in or a privilege over the moveables and effects seized, may make an opposition to such seizure or sale or to the payment of the proceeds thereof, for the causes, in the manner and to the ends mentioned in articles 383 and following of this act. R. S., 2160. Opposition to seizure and sale.

**426.** The sheriff shall collect the unpaid assessments of the resident and non-resident rate-payers, which he had been unable to collect from the sale of their chattels and effects, by the sale and adjudication made by him of their immoveable property for the amounts for which such property is liable, on the first Monday of March in any year, in the manner and according to the rules laid down for the sale of immoveable property for arrears of municipal assessments, after having given or caused to be made or given the publications and notices required to be made or given by the secretary-treasurer of a county council. R. S., 2161. Sale of lands by sheriff.

**427.** If any land advertized to be sold by the sheriff is advertized to be sold on the same day by the secretary-treasurer of the county, the latter cannot sell the land, but must forthwith transmit to the sheriff a statement of his claim and costs, which the sheriff shall levy with the special assessment, and shall hand over to the secretary-treasurer. If land is advertized for sale by sheriff, &c.

The provisions of the Municipal Code respecting the redemption of immoveables sold for arrears of municipal taxes apply to the redemption of immoveables sold in virtue of this article. R. S., 2162, *am*. Provisions of Municipal Code apply to redemption.

**428.** The title for lands sold by the sheriff which have been redeemed shall be granted by him, and, if the redemption has not taken place, he shall give the deed of sale. R. S., 2163, *am*. Deeds on redemption and deeds of sale to be granted by sheriff.

**429.** After having levied the whole amount set forth in the *alias* writ of execution, with costs and interest, the sheriff must transmit to the commissioners or trustees, a copy of his special collection roll shewing thereon what amounts have been collected from each rate-payer. Copy of collection roll to be sent to commissioners after levy.

If any surplus remain in the hands of the sheriff, he shall pay it over to the school corporation to which it belongs. R. S., 2164. Payment of surplus to school corporation, &c.

**430.** All arrears shall belong to the school corporation, and may be recovered in the same manner as ordinary contributions. R. S., 2165. Arrears to belong to school corporation.

Orders that  
may be ob-  
tained by  
sheriff.

**431.** The sheriff may obtain from the court any order calculated to facilitate and ensure the execution of the writ addressed to him. R. S., 2166.

Fees, &c., of  
sheriff.

**432.** The sheriff shall be entitled, with respect to the special notices to rate-payers, to such fees and disbursements as may be fixed by an order of the court or of a judge thereof, and with respect to the sale and adjudication of lands, to the same fees and disbursements as the secretary-treasurer of the county. R. S., 2167.

If judgment  
for debt due  
for building  
school-house,  
same must be  
mentioned  
therein and  
in writ, &c.  
Levy in such  
case upon part  
only of muni-  
cipality.

**433.** When judgment is rendered against a school corporation for a debt due for the building of a school-house for which a portion only of the school municipality is liable, the judgment, the writ of execution and the *alias* writ of execution shall mention such fact.

The assessment, in such case, shall be imposed only upon the immovable property situated in that part of the school municipality which is liable under the judgment. R. S., 2168.

Sale of real  
estate other  
than school-  
houses be-  
longing to  
school corpo-  
ration.

**434.** When the school corporation, against which any judgment has been rendered, ordering the payment of any sum of money, holds any immovable property, other than school-houses, which is not affected by privilege or hypothec in favor of the judgment creditor, such property may, with the authorization of the Superintendent of Public Instruction, be seized and sold in the manner prescribed by the Code of Civil Procedure.

Sale of mo-  
veables, &c.,  
of school cor-  
poration.

The moveable property of the school corporation in the possession of a third party and debts due to it may also be attached and sold in the same manner. R. S., 2169.

## TITLE FOURTH

### PUBLIC SCHOOL FUND — SUPERIOR EDUCATION FUND — POOR MUNICIPALITIES' FUND

## CHAPTER FIRST

### PUBLIC SCHOOL FUND

#### SECTION I

#### APPLICATION OF PUBLIC SCHOOL FUND

Superintend-  
ent to deposit  
legislative  
grant in bank.

**435.** The grant voted annually by the Legislature for public schools is payable upon the application of the Superintendent of Public Instruction, who shall deposit it in a



bank indicated to him by the Lieutenant-Governor in Council. R. S., 2173, *in part, am.*

**436.** The sums destined for public schools are distributed by the Superintendent of Public Instruction among the school municipalities in proportion to their population, according to the preceding census. R. S., 1892, §1, 2173, *in part.* Distribution of such funds.

**437.** The Superintendent of Public Instruction shall pay semi-annually to the school commissioners and trustees the share belonging to the school corporations they represent by cheques payable to the order of their respective secretary-treasurers. In this division the share of the school trustees is in the proportion provided by article 295 of this act. R. S., 2173, 2174, *in part.* Semi-annual payments to school boards by cheque.  
Proportion of share of trustees.

**438.** To have a right to a share of the Public School Fund a municipality must furnish proof: Conditions of right to share of fund.

1. That it has been under the management of school commissioners or trustees in the manner directed by this act;

2. That its schools have been in actual operation during the school year;

3. That each of its schools had been attended at least by fifteen children, excepting the case provided for by article 439 of this act and when epidemic or contagious diseases have raged in the municipality;

4. That a public examination of each school has taken place at the end of the school year;

5. That a report signed by the majority of the commissioners or trustees, and by the secretary-treasurer, has been transmitted to the Superintendent of Public Instruction, before the fifteenth day of July in each year;

6. That the monthly fees have been collected;

7. That teachers with diplomas have been employed therein, saving the case provided for by article 93 of this act;

8. That the teachers have been regularly paid;

9. That only authorized books have been used;

10. That the regulations of the Council of Public Instruction or of either committee thereof, as the case may be, and the instructions of the Superintendent of Public Instruction have been observed. R. S., 2175.

**439.** If, however, the school commissioners or trustees, as the case may be, of a school municipality, have endeavored in good faith to have the law carried out, a share of the school fund may be allowed them. R. S., 2176. Effect of non-observance of law, if school board has evinced good faith.

**440.** The Superintendent of Public Instruction may refuse the school grant to any municipality in which the school commissioners or trustees have not rendered sufficient accounts, Refusal of grant in certain cases.

accompanied by vouchers, or have refused or neglected to observe any of the provisions of this act. R. S., 2183, 2184, *in part*.

## SECTION II

## DISPOSAL OF LOCAL SCHOOL FUNDS

Application of funds not specially set apart.

**441.** In every municipality, all sums of money, which have not been specially appropriated by provision of the donors, vendors, or others, form a common fund for all the schools, and shall be employed for the payment of teachers, the maintenance of school-houses, the purchase of books and school furniture, and other school purposes, without regard to the amount which each district shall have contributed to the common fund. R. S., 2180, *in part, am.*

Payment of expenses.

**442.** The school commissioners and trustees may direct the payment, out of the fund of their school corporation, of such expenses as are not specially provided for by this act. R. S., 2174, *in part*.

## SECTION III

## DISPOSAL OF LOCAL SCHOOL FUNDS IN CERTAIN CASES

Deposit of unexpended funds in bank by school corporations.

**443.** Whenever the school funds of a municipality have not been completely disbursed, the surplus shall, at the end of each school year, be deposited in the name of the school corporation, at interest, in a legally constituted bank. R. S., 2186, *in part*.

## CHAPTER SECOND

## SUPERIOR EDUCATION FUND—POOR MUNICIPALITIES' FUND

Annual apportionment of superior education fund.

**444.** The Superintendent of Public Instruction shall, upon the recommendation of the Roman Catholic or Protestant Committee of the Council of Public Instruction, as the case may be, annually apportion to and amongst the universities, colleges, seminaries, academies, high schools, superior schools, model schools and educational institutions other than the ordinary elementary schools, the whole or so much of the grants voted for education as prescribed by the Lieutenant-Governor in Council, and in the proportion approved by him.

Payment and distribution of fund.

Such grants shall be paid by the Provincial Treasurer, on the warrant of the Lieutenant-Governor, to the Superintendent of Public Instruction, who shall pay the same to the institutions entitled thereto. R. S., 2203.

**445.** The aid granted for the purposes of superior education shall be divided each year between the Roman Catholic and Protestant institutions in the relative proportion of the respective Roman Catholic and Protestant population of the Province according to the then last census.

Division between Roman Catholic and Protestant institutions.

The aid granted under this distribution is for one year only.

Aid for one year only.

The Lieutenant-Governor in Council may attach to the grants such conditions as he may deem to be for the advancement of superior education. R. S., 2204, *am.*

Conditions may be attached to grants.

**446.** The Superintendent of Public Instruction shall refuse a grant to any school or institution which has not produced in support of its demand a report during the month of July, showing :

Report to be produced in support of application for grant.

1. The composition of the governing body ;
2. The number and names of the directors, principals, professors, teachers or lecturers ;
3. The number, the names, the nationality and the religious belief of its pupils, indicating those who are under, and those who are over, sixteen years of age ;
4. The course of instruction and the books used ;
5. The annual cost of maintaining the institution, and the sources from which its revenues are derived ;
6. The value of its immoveable property ;
7. A statement of its liabilities ;
8. The number of pupils taught and boarded gratuitously, or taught gratuitously only ;
9. The number of books, globes and maps, and the value of any museum and physical and chemical apparatus belonging to it. R. S., 2208, *am.*

**447.** The Superintendent of Public Instruction may in addition require all the information that he may think necessary, and, in such case, the report mentioned in the preceding article must contain the same. *New.*

Additional information may be required.

**448.** To be entitled to a grant, every superior school or educational institution must have been actually in operation at least one year, and have fulfilled all the conditions required by law. R. S., 2207, *am.*

Grant withheld unless institution in operation for one year, &c.

**449.** The sum annually voted by the Legislature in aid of poor municipalities shall be distributed by the Superintendent of Public Instruction, in proportion to the Roman Catholic and Protestant population of the Province, and in accordance with the division made upon the recommendation of the Committee of the Council of Public Instruction of the religious belief to which such municipalities belong, which has been approved by the Lieutenant-Governor in Council. R. S., 2179, *am.*

Distribution of grant to poor municipalities.

Distribution  
of funds from  
marriage  
licenses of  
Protestants.

**450.** The sums paid over to the Provincial Treasurer, arising from licenses for the celebration of marriages by Protestant ministers, shall be by him annually paid over to the Superintendent of Public Instruction to be apportioned, under the authority of the Lieutenant-Governor in Council, upon the recommendation of the Protestant Committee of the Council of Public Instruction, among the Protestant institutions of superior education or Protestant poor municipalities or both, in addition to and in the same manner as the other grants to these institutions and municipalities. R. S., 2205, *am.*

## TITLE FIFTH

### NORMAL SCHOOLS—FABRIQUE SCHOOLS—COUNTY ACADEMIES

## CHAPTER FIRST

### NORMAL SCHOOLS

#### SECTION I

#### ESTABLISHMENT OF NORMAL SCHOOLS

Establish-  
ment of nor-  
mal schools.

**451.** The Lieutenant-Governor in Council may adopt all needful measures for the establishment and maintenance of normal schools, for the training of teachers for public schools in the science of education and art of teaching in the Province.

Model schools  
in connection  
therewith.

Model schools may be conducted in connection with these normal schools. R. S., 2209, *mod.*

Expenditure  
for such  
schools.

**452.** The sum necessary for the establishment and maintenance of normal schools is voted by the Legislature. *New.*

#### SECTION II

#### MANAGEMENT OF NORMAL SCHOOLS

Control of  
normal  
schools

**453.** Normal schools shall be under the control of the Superintendent of Public Instruction and shall be subject to the regulations concerning them. R. S., 2215, *in part.*

Report by  
principal of  
normal  
schools.

**454.** The principals of the normal schools shall, yearly and whenever required so to do by the Superintendent of Public Instruction, make a report to him concerning their administration, furnishing a detailed statement of their receipts and expenses. R. S., 2215, *in part.*

**455.** The professors, directors and principals of normal schools are appointed or removed by the Lieutenant-Governor in Council, on the recommendation of the Roman Catholic or Protestant Committee of the Council of Public Instruction, according as such appointments or removals concern Roman Catholic or Protestant normal schools. R. S., 2216.

Appointment and removal of professors, &c., of normal schools.

**456.** Pupils shall be admitted to a normal school upon the order of the Provincial Secretary in accordance with a report of the principal showing that they have fulfilled the conditions required by the regulations for that purpose made by the Committee of the Council of Public Instruction of the religious belief to which such normal school belongs. *New.*

Admission of pupils to normal schools.

**457.** The principal of a normal school shall, before admitting any pupil into such school, make him sign, in presence of two witnesses, a document, by which he shall bind himself to pay his board therein, or if he be a bursar, to refund the amount of his bursary if he does not fulfil the conditions required by the school law and regulations, and to pay, if necessary, the fines which may be imposed by the Lieutenant-Governor in Council.

Conditions imposed upon admission to normal school.

2. Every father, tutor or friend of a pupil, may become responsible for the payment of all sums exigible under the above-mentioned document and the conditions so fixed by the Lieutenant-Governor in Council.

Parents, &c., may assume obligations, &c.

3. The Attorney-General, upon the recommendation of the principal of a normal school, may sue in any competent court of justice, for the recovery of all sums due under such obligation. The action shall be brought in the name of the principal of the normal school who shall be designated in such suit by the words "the principal of the normal school of . . . ." (*name of the school.*)

Suit for recovery of sums due under such obligations.

4. The principal shall account to the Superintendent of Public Instruction for all sums collected in virtue of this article, which applies also to the recovery of any sum due to normal schools under regulations in force. R. S., 2217, *mod.*

Account to be rendered to Superintendent.

**458.** The Superintendent of Public Instruction shall grant a diploma of qualification to any pupil of a normal school who has obtained from the principal thereof a certificate showing that such student has successfully followed a regular course of study therein. R. S., 2218, *mod.*

Certificates to students who have successfully followed normal school course.

**459.** By virtue of such diploma and while it remains valid, such person shall be eligible to be employed as teacher, according to the grade of the diploma obtained by him, in any academy, model school or elementary school under the control of school commissioners or trustees. R. S. 2219.

Effect of certificate.

## CHAPTER SECOND

## FABRIQUE SCHOOLS

Joint school may be held by *Fabrique* and school commissioners.

**460.** The *Fabrique* of any parish, and the school commissioners or trustees of the school municipality of which it forms part, may, by mutual agreement in due form, unite, for one or more years, the *Fabrique* schools in operation with any of the public schools held under this act. R. S., 2222, § 1.

Right of *curé*, &c., to be commissioner in certain cases.

**461.** Any *Fabrique* contributing not less than fifty dollars annually towards the support of any school under the management of school commissioners or trustees shall thereby acquire a right to the *curé* and church-warden in office to be commissioners or trustees for the management of that school only, if they were not so before. R. S., 2222, § 2.

Agreement required for union in certain cases.

**462.** No *Fabrique* shall unite its schools to those managed by commissioners or trustees of another religious belief, except under an express and formal agreement with the school commissioners or trustees of such other faith. R. S., 2222, § 3.

## CHAPTER THIRD

## COUNTY ACADEMIES

Establishment of county academies, &c., and procedure for that purpose.

**463.** School commissioners or trustees, as the case may be, of any municipality in any county, counties or parts of counties, may combine for the purpose of establishing one or more academies therein, by proceeding in the following manner:

Appointment of delegates.

1. The chairmen of the said school corporations may be appointed academy delegates to represent the said corporations by virtue of a resolution adopted for that purpose by each.

Calling of meeting by the last appointed delegate.

The last of the delegates who have been appointed shall convene the first meeting of the delegates by giving a written notice of eight days of the time and place of such first meeting.

Chairman and secretary.

2. At the first meeting, the delegates shall elect a chairman and a secretary.

Petition if majority think establishment of academy necessary.

If the majority of the delegates pass a resolution by which they declare that it is necessary to establish one or more academies in a county, counties, or parts of counties, a petition to that effect, founded on such resolution, may be forwarded to the Roman Catholic or Protestant Committee, as the case may be, stating the facts of the case. Such petition shall be signed by the chairman and secretary of the meeting.

3. At the next ensuing meeting of the Roman Catholic or Protestant Committee of the Council of Public Instruction, as the case may be, or at a meeting specially called for that purpose, the said petition shall be taken into consideration, and, if approved by the majority of the members of the committee, the said petition shall be delivered to the Superintendent of Public Instruction for transmission to the Lieutenant-Governor in Council.

Consideration of petition.

If the Lieutenant-Governor in Council approve such petition, he may, by proclamation in the *Quebec Official Gazette*, establish such academy or academies, and designate them as the, "Academy" or "Academies of the county of " or "counties of , " if academies of county or counties, or "County of Academy No. 1," (2 or 3) as the case may be, if an academy of parts of counties.

Proclamation respecting establishment of academy.

4. Within the thirty days which follow the proclamation establishing an academy, the board of delegates shall again meet, and shall elect three of their members to act as the first trustees of such academy.

Meeting of delegates after proclamation and election of first trustees. Term of office of first trustees.

Such trustees shall remain in office until the first juridical day of the month of August then ensuing, when there shall be a regular annual meeting of the board of delegates. R. S., 2232, §§ 1, 2, 3, 4, *in part*.

**164.** At the first meeting and at the meeting which takes place yearly on the first juridical day of August, the board of delegates shall, under the provisions of the preceding article, appoint three of their number to act as trustees of the said academy for the ensuing year. They shall also appoint an auditor or auditors to examine the accounts of the academy. R. S., 2232, § 4, *in part*.

Subsequent election of trustees.

Auditors.

**165.** The academy trustees shall present annually to the said board of delegates at such annual meeting a report of the educational work of such academy for the past year, with a balance sheet and statement of income and expenditure, duly audited. R. S., 2232, § 4, *in part*.

Annual report of academy trustees.

**166.** The secretary of the board of delegates may be the secretary-treasurer of a board of academy trustees. R. S., 2232, § 4, *in part*.

Secretary-treasurer of academy trustees.

**167.** The academy trustees, the secretary-treasurer and auditors shall, in the performance of their several duties, conform, in all respects, to the provisions of the school law which refer to school corporations and their officers, and also to the rules and regulations of the Roman Catholic or Protestant Committee of the Council of Public Instruction, as the case may be. R. S., 2232, § 4, *in part*.

Laws to which the academy trustees must conform.

Imposition of  
assessment  
for purcha-  
sing land  
necessary for  
maintenance  
of academy.

**468.** To provide for the building and maintenance of any county academy or academy of parts of counties, the Roman Catholic or Protestant school commissioners or trustees, as the case may be, who have contributed to the establishment of such academies, may levy a tax on the taxable immoveable property of the school municipality under their control, sufficient in amount to provide a sum not exceeding three thousand dollars for the purchase of the site for and the building of an academy, and not less than three hundred dollars per annum towards the payment of the teachers and the incidental expenses of such academy, as may be agreed on by the said board of delegates. R. S., 2233.

Responsibil-  
ity of school  
commission-  
ers, &c., to  
academy  
trustees.

**469.** The school commissioners and trustees, as the case may be, shall be jointly and severally responsible for the payment of the sums mentioned in the preceding article, and shall pay over the said sums to the said academy trustees by equal semi-annual payments on the second day of January and second day of July in each year or the following juridical day. R. S., 2233, *am.*

Monthly fees  
exigible from  
pupils attend-  
ing academy.

**470.** The academy trustees shall be entitled to charge monthly fees to the pupils attending the same, varying with the course of study followed, such fees not to exceed one dollar and fifty cents per month, to be paid monthly in advance.

Exclusion if  
fee not paid.

No pupil, being two months in arrear for such fees, shall be permitted to attend such academy. R. S., 2234.

Right to share  
in grant al-  
lowed by  
Legislature.

**471.** Each academy fulfilling the conditions of the preceding articles of this chapter, and conforming to the regulations in respect to academies adopted or which may be adopted by the Roman Catholic or Protestant Committee, shall be entitled to a share of the legislative grant for superior education in the discretion of the committee of its religious faith. R. S., 2235.

## TITLE SIXTH

### PROSECUTIONS — PENALTIES — APPEALS

## CHAPTER FIRST

### PROSECUTIONS

Suits for re-  
covery of as-  
sessments.

**472.** The school commissioners or trustees of any school municipality may institute such suits or prosecutions as they deem necessary for the recovery of sums due as well for



school assessments and monthly school fees as for the arrears of such taxes. R. S., 2189, *in part*.

**473.** All suits or prosecutions, instituted under the preceding article, may be brought before the circuit court, or before the magistrate's court of the district, provided the amount does not exceed the lawful jurisdiction of the said courts. Before what courts to be brought.

In all such suits or prosecutions, judgment may be rendered with costs. R. S., 2190, *am.* Costs.

**474.** Every action shall be brought in the name of the school corporation, in virtue of a resolution adopted for that purpose. R. S., 2192, *am.* By whom to be instituted.

## CHAPTER SECOND

### PENALTIES

**475.** Every person lawfully called upon to accept any office or perform any functions under this act, who refuses to accept or neglects to perform the same, or who, in any way, wilfully contravenes the provisions of this act, or of the regulations thereunder, shall for each such offence, whether of commission or omission, incur a penalty of not less than five dollars nor more than ten dollars. R. S., 2193. Penalty for refusing to accept or to perform duties of office.

**476.** If any school commissioner, trustee, secretary-treasurer or other person makes any false certificate or return, by means of which he fraudulently obtains, or seeks fraudulently to obtain, money provided for the purposes of education under any of the provisions of this act, he shall not only restore the money so obtained, but shall also incur a penalty of not less than ten dollars nor more than forty dollars. Penalties on school commissioners, &c., making fraudulent returns to obtain money.

If the penalty which may be imposed as aforesaid is not paid within ten days after judgment, it shall be levied, with costs, by seizure and sale of the goods and chattels of the defendant. Enforcement of penalty.

In default of sufficient goods and chattels, the defendant may be committed to the common gaol and detained therein one day for each sixty cents of the amount of the fine and costs, or of the balance which may be due. R. S., 2196, *mod.* Imprisonment.

**477.** If any school commissioner, trustee, or secretary-treasurer, after dismissal, or retirement from office, or any other person whosoever, retains, keeps, or takes possession of or refuses to deliver up any sum of money, register, book, Refusal to restore school corporation property.

Fine.

Suit therefor  
and to recover  
property.

Notice to be  
given by Su-  
perintendent.

Service of no-  
tice.

Fine and im-  
prisonment.

Penalty for  
disturbing  
classes in  
school, &c.

Suits for  
fines before  
what court  
brought and  
how judg-  
ment levied.

Who may  
prosecute.

paper, or other article belonging to a school corporation he shall thereby incur, for each day during which he retains, appropriates or refuses to deliver such sum of money, register, book, paper, or other article whatever, a fine of not less than five dollars nor more than twenty dollars, from the day following that upon which the notice mentioned in the following paragraph has been served upon him. Such suit shall be instituted by the school corporation interested, which, in the same action, may require the return of the moneys, registers, books, papers or other articles whatever above-mentioned.

2. Before instituting a suit for the recovery of such fine, notice shall be given by the Superintendent of Public Instruction to the person who retains the sums of money or articles above-mentioned, ordering him to deposit or deliver them within a specified time into the hands of the person indicated in such notice. Such notice shall be served by a bailiff of the superior court upon the person withholding the said money or other article or at his domicile, and the said bailiff shall make his return of such service.

3. Such fine shall be considered as a personal debt, and the person upon whom it is inflicted may be condemned to be imprisoned, in default of payment of the fine, or in case of refusal or neglect to return the said sums of money, registers, books, papers, or other articles whatever, or any of them, until he shall have conformed to the judgment. R. S., 2198, 2199, 2200, *mod.*

**478.** Every person, who voluntarily troubles, disturbs or interrupts any school or educational institution by indecent, improper or injurious expressions or conduct, or by making any noise in or near such school or educational institution so as to disturb the classes or the school, shall be liable to a penalty not exceeding twenty dollars and costs, or thirty days' imprisonment, or to a fine and imprisonment at the same time. R. S., 2197, *in part, am.*

**479.** Except when otherwise provided by some other provision of this act, any suit taken for the recovery of a fine shall be taken before the circuit court, or the district magistrate's court, which may, after judgment, cause the penalty and costs to be levied under a warrant or order for the seizure and sale of the goods and chattels of the offender. R. S., 2194, § 1, *am.*

**480.** Save in the case specified in article 477 of this act, any person intrusted with its execution or qualified to vote at an election of school commissioners or trustees may prosecute in his own name for the recovery of the fines imposed in virtue of any provision of this act. R. S., 2195, *am.*

**481.** The amount of every penalty levied in virtue of the preceding articles shall be paid into the school funds of the corporation of the commissioners or trustees of the municipality in which the offence has been committed. *R. S., 2194, § 2, mod.*

Application of fines and penalties.

## CHAPTER THIRD

### APPEALS

**482.** An appeal or recourse lies to the circuit court of the county or district :

1. When the school commissioners or trustees have :

- (a) Selected a school site :
- (b) Established a new district ;
- (c) Altered the limits of a district already existing ;
- (d) Levied a special tax in virtue of the provisions of article 253 of this act.

Cases in which an appeal or recourse to the circuit court lies.

2. When the school commissioners or trustees refuse to exercise any of the attributions which they may or should exercise in virtue of articles 112, 117, 229, 252, 253, 254, or 255. *New.*

**483.** The appeal or recourse may be taken by any rate-payer of the school municipality :

(a) During the thirty days following the notice given in virtue of article 293 in the cases in which such notice is required ; or

(b) If the school commissioners or trustees refuse or neglect to perform some of the duties or to exercise the attributions mentioned in articles 112, 117, 229, 252, 253, 254, or 255, during the thirty days following the expiration of a delay of thirty days counting from the notice given by a rate-payer to the school commissioners or trustees to exercise the same, if within such delay the school commissioners or trustees have not granted the application of such rate-payer. *New.*

Delay within which appeal or recourse may be taken.

**484.** The appeal or recourse is brought or exercised by means of a simple notice of which service is made by a bailiff upon the secretary-treasurer of the school board interested in the suit, personally or at the office or domicile of the latter. *New.*

Notice of appeal or recourse and service thereof.

**485.** A duplicate of such notice, and the certificate of the service thereof, shall be returned into the office of the court within five days after the service. *New.*

Production of duplicate, &c., in office of court.

Production of documents in office of court.

Penalty in case of default.

Inscription upon roll and hearing.

Case privileged.

Judgment.

Penalty for not complying with judgment.

Appeal suspends decision appealed from.

Costs.

**486.** Within ten days after the service of the notice, all the documents concerning the matter must be produced at the office of the court at ten of the clock in the morning by the secretary-treasurer of the school board, under a penalty not exceeding twenty dollars which may be imposed, sitting the court. *New.*

**487.** As soon as the ten days mentioned in the preceding article have expired, the case must be placed by the clerk upon the roll for proof and hearing and may be heard on the fifth juridical after such inscription or on any other day fixed by the judge. If the case is not concluded during the term it may be continued to the next term. *New.*

**488.** The case shall be heard by privilege. *New.*

**489.** The court may, by its judgment, confirm the resolution appealed from or annul the same, correct any error of procedure connected therewith, render such decision as the school commissioners or trustees should have originally rendered, or order them to exercise the attributions respecting which recourse is had. *New.*

**490.** If the court, by its judgment, condemns the school board to do anything which has been required of it, such board shall incur a penalty not exceeding twenty dollars per day, for each day's delay in the carrying out of that which it is bound to do. *New.*

**491.** The execution of the decision of the school commissioners or trustees appealed from is suspended until the judgment on the appeal is rendered. *New.*

**492.** The costs of the appeal or the recourse are in the discretion of the court or judge and shall be taxed against either party. *New.*

## TITLE SEVENTH

### PENSIONS OF OFFICERS OF PRIMARY INSTRUCTION.

## CHAPTER FIRST

### PENSIONS OF OFFICERS

Annual pension of retired officers.

**493.** Every person who has reached the age of fifty-six years, and who has been employed as an officer of primary instruction, during a term of twenty years or upwards, has

a right to an annual pension, based upon the average salary received by him during the years he has passed in teaching, and for which he has paid the stoppages. R. S., 2240, *am.*

**494.** The pension, except in the case provided for by article 518, is fixed at one-fiftieth of the average salary, for each year of service up to thirty-five years. R. S., 2241, *am.* Pension how calculated.

**495.** The average salary of officers of primary instruction shall not, for the purposes of this act, exceed the sum eleven hundred and fifty dollars, except that any officer of primary instruction who by reason of his age, the length of his services, and the previous payment of stoppages is entitled, at the time of the coming into force of this act, to a higher pension, shall not suffer any diminution in his pension, owing to this article; the amount of his pension which shall exceed the pension that may be allowed under this act shall be paid annually out of the capitalized pension fund. R. S., 2242, *am.* Salary for pension.

**496.** After twenty years' service, every officer of primary instruction, whatever be his age, may receive a pension when a serious accident, or enfeebled health renders it impossible for him to continue such service, provided such accident or ill-health has not arisen through any conduct forbidden by law or against good morals. Pension after twenty years' service in certain cases.

After ten years' and less than twenty years' service, an officer of primary instruction, who is obliged to retire from teaching for any of the reasons above-mentioned, may be reimbursed the sums which he paid in to the pension fund, without interest. But any officer who, after having been so reimbursed the sums by him paid into the pension fund, again takes up teaching, shall recover his rights to a retiring allowance on returning to the pension fund the sum received by him, within the two years next after his again taking up teaching. R. S., 2243, *am. and new.* Reimbursement of sums after ten years' service.

**497.** In the event of an officer applying for leave to retire owing to enfeebled health or serious illness, such infirmities and the cause thereof shall be established by means of certificates from the physician who has attended such officer, and, if the administrative commission deems it expedient, by another physician selected by it and at its own expense. (*See Form No. 23.*) R. S., 2244, *am.* Certificates required in such cases.

**498.** The physicians' certificates, prescribed by the preceding article, shall be prepared according to form No. 23 of this act, and verified under oath before a justice of the peace or any other person authorized to receive an oath. R. S., 2245, *mod.* How to be prepared and verified.

Stopping of  
pension.

**499.** Such pension is stopped from the moment the cause which gave rise to it has ceased to exist. R. S., 2246.

Years to be  
counted in  
computing  
years of ser-  
vice.

**500.** From the age of eighteen, the years that have been passed in teaching shall be included in the years of service, at the time of establishing the amount of the pension. R. S., 2247.

Years not to  
be counted.

**501.** The years, during which officers of primary instruction have taught outside of the Province, cannot be counted in the number of those which entitle them to a pension. R. S., 2248.

Proof re-  
quired on ap-  
plication for  
pension.

**502.** Every officer of primary instruction who wishes to claim his right to a pension shall establish, before the administrative commission of the pension fund of officers of primary instruction, that he has served as such during the five last years preceding his application, and that he has complied with the other provisions of this title. R. S., 2250.

Documentary  
proof for  
same.

**503.** An officer of primary instruction, in order to be pensioned, must produce, in addition to his certificate of birth and a declaration of his domicile, a certificate stating his name, surname and quality, the date when he first acted as such officer, his services, and the date and the reasons for his applying for a pension. R. S., 2251, *am.*

## CHAPTER SECOND

### PENSION OF WIDOWS OF OFFICERS

Widows have  
a right to  
half-pension  
on certain  
conditions.

**504.** The widow of an officer of primary instruction, dying between the 24th of July, 1880, and the 1st July, 1886, after having paid his stoppages under the act 43-44 Victoria, chapter 22, shall, so long as she remains a widow, have a right to one-half of the pension to which her husband was entitled. R. S., 2252, *in part.*

Pensions to  
widows of  
officers dying  
after 1st  
July, 1886.

**505.** Such half-pension is allowed to the widow of an officer of primary instruction, dying after the 1st of July, 1886, only when the latter has paid into the pension fund, in addition to the stoppages payable by him, and at the same times, a sum equal to one-half of such stoppages; nevertheless this latter stoppage is only exacted for the years during which the officer was married. R. S., 2252, *in part.*

**506.** For the years previous to the 24th of July, 1880, the stoppage in question shall be paid as follows : Certain stoppages how to be paid.

Two-fifths shall be paid before the first of January, 1887.

One-fifth of the total amount shall be deducted from the annual pension of the officer of primary instruction himself, or,—if he died without having obtained a pension,—from the said widow's pension during each of the first three years.

These sums also form part of the capital. R. S., 2253. To form part of capital fund.

**507.** In order that a widow may be eligible for a pension, the marriage must have been contracted six years before the husband had ceased to act as an officer of primary instruction. R. S., 2254. Marriage to have been contracted for certain time.

**508.** The widow is not allowed to pay the stoppages which her husband neglected to pay into the pension fund. R. S., 2255. Certain stoppages cannot be paid by widows.

**509.** The widow of an officer of primary instruction claiming the pension is bound to furnish, in addition to the vouchers which her husband would have been obliged to produce : Documentary proof required.

1. Her certificate of birth ;
2. The burial certificate of her husband ;
3. Her marriage certificate. (*See Form 24.*) R. S., 2256.

## CHAPTER THIRD

### INSTALMENTS AND STOPPAGES

**510.** Any officer of primary instruction, who, before the first of January, 1887, has paid into the pension fund the stoppages required by this title, for the years of service immediately preceding the 24th of July, 1880, may count the said preceding years of service to establish his right to a pension. R. S., 2257. Certain payment if made to entitle officers to count certain years.

**511.** The stoppages upon the salaries of officers of primary instruction for the years previous to the 24th July, 1880, were five per cent per annum without interest. Rate of stoppages for years previous to 24th July, 1880.

Two-fifths of the total amount of the stoppages for the said years previous to the 24th July, 1880, should have been paid before the first of January, 1887 ; and one-fifth of the total amount of the said stoppages shall be deducted from the annual pension of the officer for each of the first three years after he retires.

Application of such sum to capital fund.

The sums so stopped do not form part of the yearly revenue of the pension fund, but shall be placed in the capital fund. R. S., 2258.

Interest to be allowed upon certain payments.

**512.** The officers of primary instruction, who, between the 24th of July, 1880, and the 1st July, 1886, paid the stoppages required by the act 43-44 Victoria, chapter 22, for their years of service previous to the 24th July, 1880, have a right to interest, at the rate of five per cent, upon the sums so paid in, up to the first of July, 1886, such interest to be deducted from the stoppages to be hereafter paid by them, out of their salary or pension, as the case may be. R. S., 2259.

How pension fund is constituted

**513.** The pension fund of officers of primary instruction is made up of :

1. A reduction or stoppage at the minimum rate of two per cent. and a maximum rate of four per cent., per annum, from the pension of every pensioner and from the salary of every officer and of every layman teaching without a diploma in schools of commissioners or trustees or in those subsidized by them or by the Government ;

2. A reduction of four per cent., annually, from the Public School Fund, as well as from that portion of the Superior Education Fund, appropriated to the support of institutions managed or directed by officers of primary instruction ;

3. An annual grant not exceeding five thousand dollars from the Government of the Province. R. S., 2260, *am.*

Deposit of stoppages and grant between certain dates, with Provincial Treasurer.

**514.** The total amount of these various stoppages and grants, made from the 24th July, 1880, to the 1st July, 1886, shall be deposited with the Provincial Treasurer, and be by him converted into Provincial or Dominion bonds, at the current price of such bonds, and capitalized for the benefit of the pension fund for officers of primary instruction. R. S., 2261.

Not be paid into consolidated revenue fund.

**515.** The fund arising from the stoppages shall not form part every year of the Consolidated Revenue Fund of the Province, notwithstanding any provision to the contrary in the act respecting the Treasury Department, but it shall be held in trust by the Provincial Treasurer for the purposes of this act. R. S., 2262.

If amount insufficient to pay pensions, stoppage may be increased to certain percentage.

**516.** If the interest on the said capitalized fund and the total of the different stoppages and grants do not suffice to pay the pensions applied for, the stoppages from the salaries of the officers of primary instruction, and from those of any other layman teaching in schools under control or subsidized, may be increased to the amount of four per cent., the maximum rate of the stoppages. R. S., 2263, *am.*



**517.** Every excess of receipts over expenditure in the pension fund shall be first employed in paying the deficits of previous years, if any, and the balance shall be placed with the Provincial Treasurer in trust for the purposes of this act. R. S., 2264. Deposit of excess with Provincial Treasurer.

**518.** If the stoppages and grants be not sufficient to pay the pensions as above established, the administrative commission shall reduce the pensions and proportion them to the amount at its disposal. R. S., 2265. If amount insufficient pensions to be reduced.

**519.** The portion of the pension fund established by the act passed on the 22nd December, 1856, (19-20 Victoria, chapter 14, section 7), which shall, from time to time, be relieved, according to the provisions of the said act, by the death of pensioned officers, shall be paid into the pension fund established by this act, so that the whole shall be so paid in when the last of such officers dies. R. S., 2266. Application of pension fund under 19-20 V., c. 14, s. 7 after death of pensioners

**520.** The Superintendent of Public Instruction shall retain, half-yearly, out of the grant payable to each municipality, the sums necessary to pay the stoppages out of the salary of every person who should pay the same under this act; and the school authorities are authorized to deduct, from the salaries of such officers, when paying the said salaries, each year, and not afterwards, the amount retained by the Superintendent of Public Instruction. Retention of amounts out of salaries to pay stoppages

For the same purposes also, a semi-annual deduction shall be made from the salaries of all other officers of primary instruction paid directly by the Department of Public Instruction. R. S., 2267, *mod.*

## CHAPTER FOURTH

### PAYMENT OF PENSIONS

**521.** The pension in the case of an officer of primary instruction shall run from the day on which his salary ceases to be paid, and in that of a widow, when entitled thereto under articles 504 and following of this act, from the day following the decease of her husband. R. S., 2268. Time when pension begins to run.

**522.** All pensions shall be paid half-yearly; but if an officer should die, without leaving a widow entitled to receive a pension, his lawful heirs shall be entitled to receive his pension for the current six months. R. S., 2269. Pensions payable half yearly. Payment to heirs in certain cases.

**523.** Every officer of primary instruction, who has resigned his office, or whose diploma or commission has been cancelled for any causes provided by law, shall forfeit Forfeiture of right to pension and stoppages.

feit his right to a pension and also his stoppages ; but if his diploma is restored or he is reinstated, his former service shall count. R. S., 2270.

Prescription  
of pensions.

**524.** Pensions, if they have not been claimed, shall be struck from the books of the pension fund after three years, and their replacement thereon shall not entitle to arrears prior to the claim.

The same forfeiture shall apply to the heirs of pensioners, who do not establish their rights within three years from the death of the person whom they represent. R. S., 2271.

Officer who  
resigns and  
teaches in  
private school  
not to forfeit  
right to pen-  
sion.

**525.** An officer of primary instruction who, after resigning his office opens a private school or temporarily accepts a position therein, with the authorization of the Superintendent of Public Instruction, to whom he must apply therefor, shall not forfeit his right to a pension, provided he regularly pays the stoppages on his salary. (*See form No. 25.*) R. S., 2272, *am.*

Time for fi-  
ling claims  
for pensions.

**526.** All claims for pensions must be made before the first of November of each year ; pensions claimed after that date will only be paid the following year. (*See form No. 22.*) R. S., 2274.

## CHAPTER FIFTH

### VALUATION OF SALARIES

Valuation of  
salaries of  
officers in  
private  
schools.

**527.** The salary of officers of primary instruction, employed in private schools, subsidized by the Government or by school municipalities, shall be valued by the school inspector of the division to which such officers belong, to the satisfaction of the Superintendent of Public Instruction, who may order an enquiry for such purpose, in accordance with the laws respecting education. R. S., 2275.

Value limit-  
ed to certain  
amounts.

**528.** In no case shall the value of the annual salary, including benefits, in private schools subsidized by the Government, exceed the following amounts, to wit :

For male teachers of elementary schools :—in towns, four hundred dollars,—in country municipalities, two hundred and fifty dollars ;

For female teachers of elementary schools :—in towns, two hundred dollars,—in country municipalities, one hundred and twenty-five dollars ;

For male teachers of model schools :—in towns, five hundred dollars,—in country municipalities, three hundred dollars ;

For female teachers of model schools :—in towns, two hundred and fifty dollars,—in country municipalities, one hundred and fifty dollars ;

For male teachers of academies :—in towns, six hundred dollars,—in country municipalities, four hundred dollars ;

For female teachers of academies :—in towns, three hundred dollars,—in country municipalities, two hundred dollars. R. S., 2276.

**529.** Officers of primary instruction may, in addition to the specific salary agreed upon between them and the school commissioners or trustees, include, as forming part of their salary, all the benefits derived from their position, such as lodging, light and fuel. Benefits to be included.

If, however, such officers give private lessons or exercise at the same time any profession, trade or business whatsoever, the benefits they derive therefrom shall not be included in such valuation. R. S., 2277. Providio.

**530.** The valuation of the benefits so derived by officers of primary instruction shall be made by the school inspector or of the district, certified to be correct, and revised by the administrative commission. R. S., 2278. By whom valuation to be made.

**531.** It shall be the duty of school boards or administrative bodies, employing officers of primary instruction, to make a yearly report stating the name, office and salary during the previous year of each certificated and non-certificated lay teacher teaching in the schools under their control. R. S., 2279. Report by commissioners.

**532.** In no case shall the valuation of such benefits in the schools under control exceed the following amounts, to wit : Value of benefits limited to certain amounts.

For an elementary school :—in towns, one hundred dollars,—in country municipalities, thirty dollars ;

For a model school :—in towns, one hundred and fifty dollars,—in country municipalities, fifty dollars ;

For an academy :—in towns, two hundred dollars,—in country municipalities, seventy-five dollars. R. S., 2280.

## CHAPTER SIXTH

## ADMINISTRATIVE COMMISSION

- 533.** The pension fund for officers of primary instruction is administered by an administrative commission composed of the Superintendent of Public Instruction as chairman and of four delegates appointed as follows: one by the convention of Roman Catholic teachers in Montreal, one by the Convention of Roman Catholic teachers in Quebec, and two by the Provincial Association of Protestant teachers.
- Composition of administrative commission.**
- Their services are gratuitous, but their travelling expenses are paid out of the pension fund.
- Expenses of delegates.**
- These delegates remain in office until they are replaced by those who appointed them.
- Term of office.**
- The commission appoints its secretary. R. S., 2281, 2282, *in part, am.*
- Appointment of secretary.**
- 534.** In case of absence, through illness or for some unavoidable cause, any delegate may have himself replaced by an officer of primary instruction being a member of the Convention of Roman Catholic teachers or the Provincial Association of Protestant teachers, as the case may be, to which he belongs. R. S., 2283, *am.*
- Replacing in certain cases.**
- 535.** The administrative commission determines all questions connected with the pension fund and pensioners, and its decision is final. R. S., 2282, *in part.*
- Power of commission.**
- 536.** The minutes of each meeting of the administrative commission of the pension fund of the officers of primary instruction shall be published in the French and English journals of education in the Province. *New.*
- Publication of minutes.**
- 537.** The administrative commission shall be bound to make all regulations which it may deem necessary to put this title into operation and to provide for unforeseen cases. Such regulations, when sanctioned by the Lieutenant-Governor in Council and published in the *Quebec Official Gazette*, shall have operation of law for the carrying out of the present title of this act. R. S., 2285.
- Administrative commission to make regulations.**
- Publication after approval by Lieutenant-Governor.**

## CHAPTER SEVENTH

## MISCELLANEOUS PROVISIONS

- 538.** The accounts of the pension fund are kept by the Department of Public Instruction, certified yearly by the Provincial Auditor, and published in the report of the Superintendent of Public Instruction. R. S., 2286.
- Accounts by whom to be kept, audited and published.**

**539.** It shall be the duty of the school inspectors, whenever they make their official inspection, to visit, at least once a year, the pensioners in their respective districts, and to report to the Superintendent of Public Instruction, every year, before the month of November, upon the state of the health of the pensioners, and upon their qualifications for receiving a pension under the terms of the law.

Pensioners to be visited by school inspectors and reported upon as to health.

They shall also indicate the date of the death of any pensioners who may have died during the year, and add any remarks which may assist the work of the administrative commission. R. S., 2284.

Further contents of report.

**540.** Pensions are not assignable and are not liable to seizure. R. S., 2287.

Pension not assignable nor liable to seizure.

**541.** The provisions of this title do not apply to teachers receiving pensions before the first of July, 1886. R. S., 2288, *mod.*

Not to apply to certain pensioned officers.

## TITLE EIGHTH

### TEACHING OF DRAWING, HYGIENE AND AGRICULTURE — SCHOOL LIBRARIES—SCHOOL BOOKS—SCHOOL EXHIBITIONS

## CHAPTER FIRST

### TEACHING OF DRAWING, HYGIENE AND AGRICULTURE IN SCHOOLS

#### SECTION I

#### TEACHING OF DRAWING AND HYGIENE IN SCHOOLS

**542.** Drawing shall be taught in all schools. R. S., 1875, *Drawing in part, am.* schools.

**543.** Hygiene shall be taught in all schools.

Hygiene in schools.

#### SECTION II

#### TEACHING OF AGRICULTURE IN SCHOOLS

**544.** Agriculture shall be taught in all schools in rural municipalities. *New.* Agriculture in certain schools.

## CHAPTER SECOND

## SCHOOL LIBRARIES

Grant of a certain sum for libraries.

**545.** The Lieutenant-Governor in Council, may order that a sum, not exceeding two thousand dollars, may be appropriated annually, or during a certain number of years, out of the Superior Education Fund, to assist the establishment of city, town, village, parish or township libraries, in school municipalities in which suitable contributions have been made by school corporations for that purpose.

How grant is to be made.

2. Such assistance shall be given in money or in books, upon the conditions deemed expedient by the Lieutenant-Governor in Council. R. S., 2236.

Fund for purpose.

**546.** School corporations may, for the establishment and maintenance of libraries, appropriate any sum of money whatever, and, with the authorization of the Superintendent of Public Instruction, issue debentures to create a fund for that purpose.

Management of libraries.

Such libraries shall be under the management, inspection and regulations which the Roman Catholic or Protestant Committee, as the case may be, of the Council of Public Instruction may, with the approval of the Lieutenant-Governor in Council, prescribe; and such regulations shall be published by the Superintendent of Public Instruction in the *Quebec Official Gazette*. R. S., 2237.

## CHAPTER THIRD

## SCHOOL BOOKS

## SECTION I

## ACQUISITION OF BOOKS, MAPS, ETC.

Acquisition of copyright of books, maps, &c.

**547.** The Lieutenant-Governor in Council may acquire, for the Province, the copyright of books, maps and other publications whatsoever, approved by either committee of the Council of Public Instruction. R. S., 1912 § 5, *am*.

## SECTION II.

## GRATUITOUS DISTRIBUTION OF SCHOOL BOOKS.

Gratuitous distribution to pupils in schools of books, &c.

**548.** The Lieutenant-Governor in Council may distribute gratuitously to pupils in schools, under the conditions which may be imposed, books, or series of books, maps, and other publications whatsoever selected, from among

those that have been approved by either committee of the Council of Public Instruction in accordance with article 56 of this act. *New.*

## CHAPTER FOURTH

### SCHOOL EXHIBITIONS

**549.** The Lieutenant-Governor in Council may, on the report of the Superintendent of Public Instruction, or on the recommendation of the Council of Public Instruction or of either of its committees, promulgate regulations for establishing, holding, directing and maintaining school exhibitions, and may appoint one or more commissioners for that purpose, whose duty it shall be to obey the instructions given by him.

School exhibitions.

Regulations governing appointment of commissioners.

Such regulations shall be published in the *Quebec Official Gazette*. R. S., 1877.

Publication of regulations.

## TITLE NINTH

### LAWS REPEALED, TEMPORARY PROVISIONS—COMING INTO FORCE

**550.** Title fifth of the Revised Statutes respecting public instruction and the laws amending the same are repealed.

R. S. title fifth repealed

**551.** Such repeal shall in no way affect or invalidate any matter proceeding, or thing commenced, done or completed in virtue of the repealed provisions, or any regulation respecting school matters now in force, but they shall be continued or terminated in virtue of the provisions of this act, in so far as such provisions allow of the same.

Effect of repeal.

**552.** The present officers of the Department of Public Instruction, school inspectors and other employees exercising functions under the school laws, shall continue to perform their duties until it is otherwise ordered by the Lieutenant-Governor in Council in accordance with this act.

Present officers of Department not affected.

**553.** This act shall come into force on the day which the Lieutenant-Governor in Council shall fix by proclamation.

Coming into force.

*Signature of person giving notice.*



NO. 3—NOTICE FOR ELECTION OF SCHOOL COMMISSIONERS  
OR TRUSTEES

Province of Quebec,                    }  
School municipality of                .

Public notice is hereby given that there will be held on  
Monday, the                    day of July, one thousand  
                  hundred and                    at the hour of ten of  
the morning, at the door of the church in the said municipal-  
ity (or at *indicate any other place*), a meeting of the proprietors  
of real estate of this municipality, entered as such upon  
the valuation roll and having paid all their school taxes  
and other contributions, to proceed with the election of a  
board of school commissioners, or trustees, (or of one or  
more school commissioners or trustees,

Given at                    this                    day of  
one thousand                    hundred and

(*Signature of person or persons giving the notice.*)

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NO. 4—REPORT OF ELECTION OF SCHOOL COMMISSIONERS  
OR TRUSTEES

Province of Quebec,                    }  
School municipality of                .

To the Superintendent of Public Instruction.

SIR,

On Monday, the                    day of July, one thou-  
sand                    hundred and                    , at a public  
meeting of the electors of this municipality, duly convened  
and held according to law, at the door of the church in the  
said municipality or at (*mention the place*), at the hour of  
ten in the morning, Messrs. (*insert the names and surnames  
written very plainly*) were elected as school commissioners  
(or trustees, as the case may be,) for the said municipality.

Given at                    this                    day                    ,

(*Signature of the  
Presiding Officer.*)

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NO. 5.—NOTICE TO SCHOOL COMMISSIONERS OR TRUSTEES  
ELECTED

Province of Quebec }  
School municipality of . }

To Mr. A. B.,  
School Commissioner (or Trustee.)

SIR,

I hereby notify you that, at a public meeting of the electors of this municipality, duly convened according to law, and held on the            day of            one thousand eight hundred and            you were elected a school commissioner (or trustee, as the case may be.)

Given at            this            .

(Signature of the Presiding Officer.)

---

NO. 6.—NOTICE OF DISSENT.

Province of Quebec, }  
School municipality of . }

To the Chairman (or secretary-treasurer) of the school commissioners of the municipality of  
county of

SIR,

We, the undersigned, proprietors, occupants, tenants and rate-payers of the municipality of            , county of            , professing the            religion, have the honor, under article 123 of the Education Act, to notify you of our intention of withdrawing from the control of the school corporation of which you are the chairman (or secretary-treasurer) from the first day of July next.

Given at            this            day of

(Signatures of the dissentients.)

---

**NO. 7.—NOTICE OF DISSSENT SO AS TO WITHDRAW FROM CON-  
TROL OF FUTURE COMMISSIONERS**

Province of Quebec, }  
School municipality of . }

To Mr.

Chairman of the school trustees of the municipality of  
county of

SIR,

We, the undersigned, proprietors, tenants, occupants and rate-payers of the municipality of \_\_\_\_\_ in the county of \_\_\_\_\_ professing the \_\_\_\_\_ religion, have the honor to inform you that, in virtue of article 128 of the Education Act, we do not intend to be governed by the school commissioners who shall be elected in July next, and that we intend to elect three trustees to administer our schools in the month of July next.

Given at                      this day of

(Signatures of those interested.)

NO. 8—NOTICE BY DISSIDENTS DECLARING THEMSELVES  
THE MAJORITY.

Province of Quebec, }  
School municipality of . }

To Mr.

Chairman of the school commissioners of the municipality of \_\_\_\_\_, county of \_\_\_\_\_.

SIR,

We, the undersigned proprietors, tenants, occupants and rate-payers of the municipality of \_\_\_\_\_, in the county of \_\_\_\_\_, now under the control of the school trustees of the said municipality, have the honor to inform you, in virtue of article 127 of the Education Act, that we have become the majority, and that we intend accord-

ingly to organize ourselves and to elect five school commissioners for the administration of our schools, in the month of July next.

Given at                      this                      day of                      .

(Signatures of those interested.)

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NO. 9—NOTICE CONVENING MEETING OF SCHOOL COMMISSIONERS OR TRUSTEES

Province of Quebec,                      }  
 School municipality of                      . }

To Mr. A. B.,  
 School Commissioner (or Trustee.)

SIR,

I am instructed by the chairman of the school commissioners (or trustees) to inform you that a meeting of the board of school commissioners (or trustees) of this municipality, of which you are a member, will be held at (*the place*) at the hour of                      in                      noon, the day of the month of                      , one thousand hundred and

Given at                      this

(Signature of the Secretary-Treasurer.)

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FORM. 10—MINUTES OF PROCEEDINGS OF SCHOOL COMMISSIONERS OR TRUSTEES

Province of Quebec,                      }  
 School municipality of                      . }

At a meeting of the school commissioners (or trustees) of the municipality of                      , in the county of                      , held at (*mention the place*) in this municipality, on                      the                      day of the month of                      , one thousand                      hundred and                      , at the hour of                      in the                      noon, at which meeting were present:

*MM.* (*insert the names of all the members present*), all school commissioners (or trustees.)



Know by these presents that we, the said (*names of the secretary-treasurer and of the two sureties*), acknowledge ourselves to be jointly and severally bound to pay and to reimburse the school commissioners (*or trustees*) of the municipality of \_\_\_\_\_, in the county of \_\_\_\_\_, all sums of money for which the said (*name of the secretary-treasurer*), by himself or by any person for whom he is responsible, may, in the exercise of his office, become responsible towards the school commissioners (*or trustees*) of the said municipality, or towards any other person for them, in principal, interest, costs, penalties or damages, if any.

The condition of this bond is that if the said (*name of the secretary-treasurer*) shall well and faithfully at all times perform the duties and functions of the office of secretary-treasurer, to which he has been appointed, and accounts for, pays over or remits to the school commissioners (*or trustees*) of the municipality of \_\_\_\_\_, in the county of \_\_\_\_\_ or to any person indicated by them, all sums of money for which he himself, or any person for whom he is responsible, shall become responsible, during his tenure of office, towards the said school commissioners (*or trustees*) of the said municipality, in principal, interest, costs, penalties, or damages, then this bond shall be null, otherwise it shall remain in full force and effect.

Made and passed in triplicate, at \_\_\_\_\_ the  
day of the month of \_\_\_\_\_, one thousand \_\_\_\_\_ hun-  
dred and \_\_\_\_\_

(*Signatures of chairman of the school commissioners or trustees,  
of the secretary-treasurer and of the sureties.*)

(*Signature of the notary or  
of a justice of the peace,  
as the case may be.*)

}

#### NO. 12—NOTICE OF APPOINTMENT OF MANAGER

Province of Quebec, \_\_\_\_\_ }  
School municipality of \_\_\_\_\_ . }

To Mr. (*name of manager.*)

SIR,

I hereby give you notice that at a meeting of the school commissioners (*or trustees*) of this municipality, held on the \_\_\_\_\_ day of the month of \_\_\_\_\_ one thousand \_\_\_\_\_ hundred and \_\_\_\_\_, you

were named (permanently or temporarily or for *what time, must be stated*) manager to assist them in the management of the school-houses, the building, repairing, heating and cleaning the same, and also to keep the furniture belonging to the schools in order.

Given at                      this                      day of the month  
of                      .

(Signature of the Secretary-Treasurer.)

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NO. 13.—DEMAND FOR COPY OF THE VALUATION ROLL

Province of Quebec,                      }  
School municipality of                      . }

To the Secretary-Treasurer of the Municipal Council of the  
Municipality of                      County of                      .

SIR,

I hereby require you to forward and deliver to me, within fifteen days from this date, for the use of the school commissioners (or trustees) of the municipality of (*name of the school municipality*) situated (*state whether wholly or in part*) in the limits of the municipality of (*name of the rural municipality*) a certified copy, according to law, of the valuation roll (or of a part of the valuation roll) of the property situate within the limits of your municipality.

Date                      .

(Signature of the Secretary-Treasurer.)

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NO. 14.—NOTICE TO RATE-PAYERS FOR EXAMINATION OF  
VALUATION ROLL

Province of Quebec,                      }  
School municipality of                      . }

PUBLIC NOTICE

Is hereby given to all proprietors of real estate and resident householders of this municipality that the valuation roll made by order of the school commissioners (or trustees) of the municipality is deposited in my office,





No. 16.—SECRETARY-TREASURER'S NOTICE FOR THE  
PAYMENT OF SCHOOL TAXES.

PROVINCE OF QUEBEC		SCHOOL MUNICIPALITY OF	
SCHOOL MUNICIPALITY OF		M	
Copy of account of		Taxes on your (here mention the property, as house, farm, &c.) valued at	
Name of the rate payer		\$....., at the rate of (state amount)	
		in the \$	
		Monthly fee for (state number of children) during (state number of months)	
		at (state amount) per month.	
		Total.....\$	
Notice served.....		Sit, —Take notice that, having failed to pay the above-mentioned sum within	
Insert, date of notice.....		the time prescribed by public notice, you are hereby required, within fifteen days	
		from this date, to pay the said sum to me, in my office, together with the costs of	
		the present notice and of the service thereof, detailed hereunder, in default whereof	
		an execution will be issued against your goods and chattels.	
COSTS.		(Place and date)	
Notice. \$		(Signature.)	
Service. \$		Secretary-Treasurer.	
Total.....\$			

\* If the monthly fee is payable monthly in advance it should not be demanded by this notice.

## No. 17—WARRANT OF DISTRESS FOR SCHOOL TAXES

Province of Quebec, )  
School municipality of . )

The school commissioners (or trustees) for the municipality of \_\_\_\_\_, in the county of \_\_\_\_\_

To any bailiff of the Superior Court, acting in and for  
the district of \_\_\_\_\_:

Whereas (*name and description of the debtor*) has been required by the secretary-treasurer of the school commissioners (*or trustees*) for the municipality of \_\_\_\_\_ in the county of \_\_\_\_\_, to pay into his hands, for the use of the said school commissioners (*or trustees*), the sum of \_\_\_\_\_ being the amount due by him to the said school commissioners (*or trustees*) as appears by the collection roll of the said municipality for the year 18 \_\_\_\_; and whereas the said (*name of the debtor*) hath neglected and refused to pay to the said secretary-treasurer, within the delay required by law, the said sum of (*the amount in words*) with the costs of notice and service amounting to (*the amount in words*;) these are therefore, to command you to seize, without delay, the goods and chattels of the said (*name of the debtor*) which may be found within the limits of the said municipality; if, within the space of eight days after such seizure, the above mentioned sums, with the reasonable expenses of the said seizure, be not paid, then you shall sell according to law the said goods and chattels so by you held, and you shall pay over the moneys arising from such sale to the secretary-treasurer of the said school commissioners (*or trustees*;) so that he may apply the sum as by law directed, and return the surplus, if any, when demanded, to the said (*name of the debtor*;) or to whom it may concern; and, if such seizure cannot be effected, in default of goods liable to seizure, you shall then certify the same to me so that such proceedings may be had as the law may require.

Given under my hand and the seal of the said corporation of school commissioners (or trustees) this \_\_\_\_\_ day of the month of \_\_\_\_\_ in the year of Our Lord one thousand \_\_\_\_\_ hundred and \_\_\_\_\_ at \_\_\_\_\_ in the aforesaid district.

(Signature of the Chairman of the School  
Commissioners (or Trustees))

NO. 18.—NOTICE OF THE DAY AND PLACE OF SALE OF GOODS  
AND EFFECTS SEIZED FOR SCHOOL TAXES

PUBLIC NOTICE

Is hereby given that on (*day of the week*) the  
day of the month of                      instant (*or next*) at the  
hour of                      in the                      noon at (*designate the place*).  
the goods and chattels of (*name of the person*) now under  
seizure in default of payment of the taxes due to the said  
school commissioners (*or trustees*) will be sold at public  
auction at (*name the place*.)

Given under my hand at (*place*), in the district of  
this day of

*Signature of the Bailiff.*

NO. 19.—FORM OF TEACHER'S ENGAGEMENT.

Province of Quebec.                      }  
School municipality of                      . }

On the                      day of the month of                      in the  
year 18                      , it is mutually agreed and stipulated between  
the school commissioners (*or trustees*) of the municipality  
of                      , in the county of                      , represented by  
(*name of chairman*) their chairman, under a resolution of  
the said commissioners (*or trustees*) passed on the  
day of                      18                      , and (*name of teacher*) teacher hold-  
ing a diploma for a (*insert grade*) school, residing at                      ,  
as follows :

The said teacher makes an engagement with the said  
school commissioners (*or trustees*) for the school  
year from the first of July

(unless the diploma of the said teacher be withdrawn, or  
any other legal impediment arise) to teach the (*grade of  
school*) school in district No.                      , according to law, and to  
the rules and regulations established or to be established  
by the competent authorities, and, amongst others, to ex-  
ercise an efficient supervision over the pupils attending  
the school ; to teach the subjects authorized, and to use only  
authorized text-books ; to fill up all blank forms required by  
the Department of Public Instruction, the school inspectors  
or commissioners (*or trustees*) ; to keep the required school  
registers ; to preserve amongst the archives of the school  
such copy-books and other work of the pupils as may be  
ordered to be put aside ; to keep the school rooms in good

order and not to allow them to be used for any other than school purposes without permission to that effect ; to follow such rules as may be established ; in a word, to fulfil all the duties of a good teacher ; to hold school every day, except during the vacations, and on Sundays and festivals and on the holidays authorized by law and the school regulations.

The commissioners (or trustees) undertake to pay every month to the said (*name of teacher*) the sum of (*state sum in full*) for the said school year in current money and not otherwise.

In default of any other engagement, the present agreement shall continue to remain in force between the parties until it be legally set aside.

And the parties have signed, after hearing the same read.

Made in Duplicate at the  
day of  
 one thousand hundred and

(*Signature*.)

Chairman of the School Commissioners (or Trustees.)

(*Signature*)

Teacher.

NO. 20.—NOTICE TO TEACHERS, INFORMING THEM THAT  
 THEIR SERVICES ARE NO LONGER REQUIRED

Province of Quebec  
 School municipality of

To Mr.

Teacher of school district No.

SIR,

I have the honor to inform you that, by a resolution adopted at their meeting of (*insert the date*), the school commissioners (or trustees) of this municipality have decided that they will not require your services for the next year.

Date.....

(*Signature of the Secretary-Treasurer.*)

**No. 21.—NOTICE RESPECTING RESOLUTIONS ADOPTED IN CERTAIN CASES**

Province of Quebec, }  
School municipality of . }

## PUBLIC NOTICE

Is hereby given that at a meeting of the school commissioners (or trustees) of this municipality held on the \_\_\_\_\_ day of the month of \_\_\_\_\_ one thousand \_\_\_\_\_ hundred and \_\_\_\_\_, it was resolved:

*(Enter the resolution adopted.)*

**Date.....**

(Signature of the Secretary-Treasurer.)

## No. 22.—APPLICATION FOR PENSION

**To the Superintendent of Public Instruction.**

SIR,

I have the honor to submit for your consideration the following reasons which constitute my right to the pension enacted in favor of officers of primary instruction :

I was born at \_\_\_\_\_, county of \_\_\_\_\_, on the  
day of the month of \_\_\_\_\_ (state the date)

I am a (Roman Catholic or Protestant or as the case may be)

*If the officer be married add :*

I am married to (name in full) since the (date of the marriage)

I reside at \_\_\_\_\_, in the county of \_\_\_\_\_, (If the officer reside in a city or town, he must give the name of such city or town, the name of the street and the number of his residence.)

Letters for me should be addressed to the Post Office of

I hold a \_\_\_\_\_ school diploma which I obtained from  
the board of examiners (or.....normal school) of \_\_\_\_\_  
on the \_\_\_\_\_ 18 \_\_\_\_\_.

I commenced teaching school in (*state the date*) and ceased  
teaching on the                  day of the month of                  18



I was born on the (*date of birth*), and was married to the said (*name of deceased teacher*), on the (*date of marriage*), as shewn by the annexed documents ; and in consequence, I claim the pension allowed to widows of officers of primary instruction in virtue of the Education Act.

Dated at                      the                      day of                      18

(*Signature of the widow.*)

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NO. 25.—REQUEST FOR AUTHORIZATION TO TEACH IN AN  
INDEPENDENT SCHOOL.

Province of Quebec,                      }  
School municipality of                      . }

To the Superintendent of Public Instruction

SIR,

I have the honor to inform you that I have abandoned the occupation of a teacher under the control of the school commissioners (or school trustees) of (*name of the municipality*), for the reason that (*give reasons*), and I have accepted employment in (*name of the institution*), under the control of (*name of person in charge*), with a salary of dollars per annum.

Or that I keep a private school in the municipality of , county of , and that my salary has been valued by Mr. (*name of the school inspector of the district*), inspector of schools, at the sum of \$ , as appears by the annexed certificate, and that in virtue of article 525 of the Education Act, I desire to continue my contributions to the Pension Fund, if the reasons stated above be approved by you.

Dated at                      the                      day                      of                      18 .

(*Signature of the teacher.*)

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## CAP. XXIX

An Act to amend the law respecting the constitution of the Superior Court.

[Assented to 10th March, 1899]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

R. S., 2315,  
amended.

1. The first clause of article 2315 of the Revised Statutes, as replaced by the act 59 Victoria, chapter 24, section 1, is again replaced by the following :

Constitution  
of the court.

"2315. The Superior Court, which is a court of record, consists of thirty-four judges, that is to say : a chief justice and thirty-three puisné judges."

R. S., 2319,  
amended.

2. Article 2319 of the Revised Statutes, as amended by the acts 52 Victoria, chapter 27, section 1, 55-56 Victoria, chapter 25, section 1, and 59 Victoria, chapter 24, section 2, is further amended by replacing the word "Eleven" in the first line by the word "Fourteen".

Coming into  
force.

3. This act shall come into force on proclamation of the Lieutenant-Governor in Council.

## CAP. XXX

An Act to further amend the law respecting the Circuit Court of the district of Montreal.

[Assented to 10th March, 1899]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

56 V., c. 24,  
s. 2, replaced.

1. Section 2 of the act 56 Victoria, chapter 24, as replaced by section 1 of the act 60 Victoria, chapter 31, is again replaced by the following :

Composition  
of court, &c.

"2. Such court shall be composed of three judges, of whom one shall be senior, called : "Circuit Judges of the district of Montreal," who shall be advocates of ten years' practice, chosen from among the members of the Bar of the Province, and be appointed by competent authority."

Coming into  
force.

2. This act shall come into force on the day of its sanction.



## CAP. XXXI

An Act respecting the provincial police.

[Assented to 10th March, 1899]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

1. Section third of chapter first of title seventh of the Revised Statutes, comprising articles 2821 to 2876, inclusively, is replaced as follows : R. S., 2821 to 2876, replaced.

“ SECTION III.

PROVINCIAL POLICE FORCE.

§ 1.—*Constitution of Police Force.*

“ 2821. A police force, composed and organized as hereinafter provided, may be constituted. Police force established. R. S. Q., 2821.

“ 2822. The Lieutenant-Governor in Council may, from time to time, authorize the Attorney-General to appoint, by warrant under his hand, a chief of police and such number of sergeants of police and police constables as the Lieutenant-Governor in Council may think proper, not exceeding one hundred sergeants and constables, who shall respectively be selected by the Attorney-General under the provisions hereinafter made. Chief of police, sergeants and police constables ; their appointment and number. R. S., Q., 2823.

“ 2823. The constables are divided into two classes ; and, except constables of the first class who may be appointed sergeants although over forty years of age, no person shall be appointed a sergeant or a constable unless he be of sound constitution, active and able-bodied, of good character, and of the age of eighteen years or upwards and under forty. Qualifications of sergeants and constables. R. S. Q., 2824.

§ 2.—*Duties of Police Officers.*

“ 2824. The officers of the police force, hereinafter called ‘ police officers,’ take rank and have command in the following order : Rank of the respective officers.

The chief of the provincial police,—who is one of the sergeants upon whom the Attorney-General confers the command of the force ;

Sergeants ;

Constables.

Officers of the same grade, employed together upon the same service, have command according to seniority, and constables of the first class, in the absence of officers, command those of the second class.

**Their duties.** Their duties are such as are assigned to them respectively by this section, or as may be assigned to them by the rules and regulations made under its authority. R. S. Q., 2825.

**Must read and write.**

“**2825.** The chief, the sergeants and first-class constables must be able to read and write either the English or the French language. R. S. Q., 2826.

**Oath of office.**

“**2826.** No person shall exercise any office in the police force until he shall have taken the following oath of office :

**Form of oath.**

‘I, A. B., solemnly swear that I will faithfully, diligently and impartially execute and perform the office and duties of in the police force of the Province of Quebec, and will well and truly obey all lawful orders or instructions which I shall receive as such , without fear, favor or affection : So help me God.’ ” R. S. Q., 2827.

**Before whom to be taken.**

“**2827.** The oath shall be taken by all the police officers before the clerk of the Crown of the district.

**By whom signed and retained.**

It shall be subscribed by the person taking the same and shall be retained by the Clerk of the Crown to form part of the records of his office ; and such clerk shall deliver to the person taking the oath a certificate of his having so taken and subscribed the same. R. S. Q., 2828.

**Police officers to be constables for the whole Province.**

“**2828.** Every police officer shall, from the time of his having taken the oath of office, and so long as he shall continue such officer, be a constable for the whole Province and may execute the said office in any part thereof. R. S. Q., 2829.

**Sergeants and constables to sign articles of engagement.**

“**2829.** Every sergeant or constable shall, on entering the police force sign the engagement, prescribed by the regulations, and any penalty, which may therein be assigned for any breach thereof, may be enforced.

**Condition to be inserted in all such articles.**

One condition in the said articles shall always be that such sergeant or constable shall not leave the force, or withdraw from his duties, unless he shall be dismissed or discharged therefrom, or shall have previously given at least thirty days’ notice in writing to the chief of police. R. S. Q., 2830.

**New articles not required on promotion.**

“**2830.** It shall not be necessary that any sergeant or constable should, on taking any other grade, sign a new engagement, but the engagement first signed shall continue to apply.

But any person taking a new office or charge shall take the oath of office with reference to the same. Proviso as to oath. R.S.Q., 2831.

" **2831.** No police officer shall be qualified to serve as a juror, or in any municipal office, or as a member of any municipal council, or shall vote at any election of a member of the Legislative Assembly, or of any municipal councillor or municipal officer. Police officer disqualified from serving in certain offices. R. S. Q., 2832.

### § 3.—*Headquarters.*

" **2832.** The headquarters of the police force is in the city of Quebec in the Parliament Buildings, or in any other building in the city of Quebec appointed by the Lieutenant-Governor in Council. Headquarters of the police force. R. S. Q., 2833.

### § 4.—*Management of the Police Force.*

" **2833.** The uniform, arms, training and discipline of the police force, are, from time to time, prescribed by the Attorney-General. Uniform, &c..

A certain number of police officers and men, not exceeding one-fourth of the whole force, may be mounted, and serve, either altogether or on particular occasions, on horseback. Mounted men. R. S., 2834.

### § 5.—*Rules concerning the administration of the Police Force.*

" **2834.** The Lieutenant-Governor in Council may, from time to time, make rules and regulations, not inconsistent with this section, for the government and guidance of the police force. Regulations for the force..

Such rules and regulations may impose penalties, not exceeding in any case thirty days' pay of the offender, for any contravention thereof, and may direct that such penalty, when incurred, may be deducted from the offender's pay. Penalties imposed.

They may determine what officer shall have the power to declare such penalty incurred, and they shall have force as if enacted by law. Regulations to determine who shall impose penalties. R. S. Q., 2835.

### § 6.—*Interior Economy of the Police Force.*

" **2835.** The Attorney-General may, as far as practicable, reward merit and faithful service by promotion, and punish negligence or misconduct by fine, reduction or dismissal. Promotions and punishments. R. S. Q., 2836.

" **2836.** All pecuniary penalties imposed on police officers by this section, or any regulations to be made under it, shall form part of the consolidated revenue fund of the Province. Penalties to form part of consolidated fund. R. S. Q., 2837.

Suspension  
and dismissal  
of police offi-  
cers.

**" 2837.** The chief of police and any other police officer may be suspended or dismissed by the Attorney-General; and any sergeant may be suspended from office by the chief until the matter is adjudicated upon by the Attorney-General.

When to take  
effect.

Every such suspension or dismissal shall take effect from the time it shall be made known, either orally or in writing, to the party suspended or dismissed. R. S. Q., 2839.

Officers sus-  
pended or dis-  
missed to de-  
liver up arms,  
&c.

**" 2838.** The chief of police when so suspended or dismissed shall forthwith hand over to the person indicated by the Attorney-General, and the sergeant or constable suspended or dismissed shall forthwith deliver up to any officer of the force demanding the same, his arms and accoutrements, and all property used for police purposes.

Penalty in  
case of refu-  
sal.

In case of his refusing or neglecting so to do, he shall incur a penalty of fifty dollars, or imprisonment of two months. R. S. Q., 2840.

Attorney-  
General may  
order inqui-  
ries to be held  
into conduct  
of police offi-  
cers.

**" 2839.** Whenever the Attorney-General deems it advisable to make or cause to be made any special inquiry into the conduct of any police officer, or into any complaint against any of them, he may under his hand appoint some person to hold such inquiry; and for that purpose such person may examine any person on oath or affirmation on any matter relative to such inquiry, and may administer such oath or affirmation. R. S. Q., 2841.

Tavern-keep-  
ers, &c., not  
to harbor  
police.

**" 2840.** No keeper of a tavern or house of public entertainment or of any place where liquors or refreshments of any kind are sold to be consumed on the premises, shall knowingly harbor or entertain any police officer, or permit him to remain in such tavern, house or place, except for the express purpose of performing some duty imposed on him as a policeman.

Penalty.

Every infraction of this article is punishable by a fine not exceeding one hundred dollars or imprisonment not exceeding three months. R. S. Q., 2842.

#### § 7.—*Management of the property of the Police Force.*

Personal  
property for  
police pur-  
poses under  
control of the  
chief.

**" 2841.** All personal property, purchased or acquired for police purposes is, saving the instructions of the Attorney-General, under the control of the chief of police. R. S. Q., 2843.

Penalty for  
receiving  
arms, &c., be-  
longing to  
police.

**" 2842.** If any person unlawfully dispose of, buy or sell, or have in his possession without lawful cause, or refuse to deliver up when thereunto lawfully required, any arms, accoutrements, uniform or other thing used for police purposes, such person thereby incurs a penalty not exceeding

one hundred dollars, in the discretion of the magistrate before whom he is convicted, or imprisonment not exceeding three months. R. S. Q., 2844.

§ 8.—*Security to be given for moneys received by the Officers.*

“**2843.** The police officers who are to receive moneys for the purpose of this section, shall give security in the manner provided by law with regard to other public officers; and in case of any refusal or neglect to pay over or deliver, when thereunto lawfully required, such moneys and all books, papers, accounts and documents of or relating to his office, such officers shall be liable to the same penalties and process to which a revenue officer is liable in like case.”

Accountability of officers receiving money for police.

The chief of police keeps his books and accounts in such form, and makes such returns, at such times and with such vouchers, as the Provincial Treasurer or auditor of public accounts directs and requires, and his accounts are in all respects subject to audit in like manner as those of any other public accountant. R. S. Q., 2845.

Books and accounts. Subject to audit.

§ 9.—*Pay and expenses of the Police Force.*

“**2844.** The Lieutenant-Governor in Council may fix the pay of the officers and men of the police force, but such pay shall not, in any case, exceed the following rates:

Salaries.

For each sergeant..... \$500 yearly

For each 1st class constable..... 450 “

For each 2nd class constable..... 400 “

R. S. Q., 2846.

“**2845.** The Lieutenant-Governor in Council may authorize the payment of the expenses of fuel and light for the police force, and such forage as may be necessary, and also the payment of a sum not exceeding six hundred dollars a year for contingent expenses of headquarters, and of the sums necessary for the purchase of horses, saddlery, and the arms and accoutrements of the police officers.”

Certain expenses may be authorized for fuel, &c.

The Lieutenant-Governor in Council may also authorize payment for a building for the headquarters, if it becomes impossible to lodge the police force in the Parliament Buildings. R. S. Q., 2847, 2848.

Also for a building for headquarters in certain event.

“**2846.** The Province shall provide for the maintenance of any police officer disabled in the performance of his duty as such, by an allowance not exceeding the salary or pay actually received by him under this section at the time of his being disabled; such allowance may be paid him accordingly by order of the Lieutenant-Governor in Council. R. S. Q., 2849.”

Provision for disabled men

How and out  
of what fund  
expenses  
paid.

" 2847. All sums of money required to defray any expense authorized by this section shall be paid out of the consolidated revenue fund of this Province, upon warrant directed by the Lieutenant-Governor to the Provincial Treasurer ; and such warrants may be made in favor of the Attorney-General to enable him to pay such expense, or directly in favor of the party entitled to the money. R. S. Q., 2850.

Fees payable  
for certain  
services of  
police.

" 2848. The chief of police, or such person as he may appoint, may receive the fees and emoluments for the performance of any duty performed by any police officer, payable by any party thereto obliged by law, which are remitted to the Provincial Treasurer to form part of the consolidated revenue fund of the Province. R. S. Q., 2851.

Accounting.

" 2849. The Provincial Treasurer keeps a separate account of all moneys received and expended under this section, and a detailed statement thereof shall be laid before the Legislature at each session thereof. R. S. Q., 2853.

#### § 10.—Duties of the Police Force.

Duties of  
force :

To act as  
peace officers ;

" 2850. The duties of the police force are :

(a) To perform all duties which are assigned to constables in relation to the preservation of the peace, the prevention of crime, and offences against the laws of the Dominion, or of the Province, or against the by-laws of the municipality in which the headquarters are, or in which they may be by the Attorney-General ordered to act, and the apprehension of criminals and offenders and others who may be lawfully taken into custody, otherwise than on merely civil process ;

To attend  
courts ;

(b) To attend upon the several courts of criminal jurisdiction held in the municipalities in which the headquarters are or in which they receive orders to act as aforesaid, in compliance with the orders of the Attorney-General, to execute all warrants and perform all duties and services in relation thereto which may lawfully be performed by constables ;

To escort pris-  
oners, &c. ;

(c) To perform all duties which may be lawfully performed by constables in relation to the escort and conveyance of convicts and other prisoners or lunatics to or from gaols, courts, lunatic asylums and other places ;

To guard  
Parliament  
Buildings.  
Power for  
such pur-  
poses.

(d) To watch over and guard the Parliament Buildings.

2. For these purposes, and in the performance of all the duties assigned to them under the authority of this section, the members of the police force have all the powers, authority, protection and privileges, which any constable has by law, or which the constables or subconstables of the respective cities or towns have. R. S. Q., 2854.

§ 11.—*Provisions in cases of urgency.*

**" 2851.** In order that a sufficient force may be at any time obtainable to prevent or quell any riot or disturbance of the peace in any place, the Attorney-General may at any time order such of the police officers as he may deem expedient to proceed to any place in this Province where such riot or disturbance may exist or be apprehended, whether there be or not a police force at such place. R. S. Q., 2862.

Police force may be sent to quell disturbances.

**" 2852.** In case of any such riot or disturbance, or apprehension thereof, the Lieutenant-Governor in Council may authorize the Attorney-General to appoint, in addition to any number appointed under any other provision of this section, the number of police officers determined by the Order in Council.

In case of riots, additional officers and men to be appointed.

The engagement of such police officers shall last for such time as the Lieutenant-Governor in Council directs, and they shall be paid out of the consolidated revenue fund of the Province. R. S. Q., 2863.

Length of engagement and how paid.

**" 2853.** On the application of any municipal council, the Attorney-General, on condition that the council making the application undertakes to defray the expenses incurred and the pay of the additional police officers required, may send into the municipality under the control of such council the number of police officers he deems necessary.

Police force may be sent to any municipality on certain conditions.

**" 2854.** The Attorney-General may, whenever he deems it necessary send into any locality the number of police officers he deems requisite to ensure the maintenance of the peace and the prevention of crime and to search for offenders.

Police may be sent to maintain the peace in any locality.

**" 2855.** If the directors of any company then constructing any railway or other extensive work apply in writing to have a certain number of police force stationed upon or near such railway or work, and make satisfactory provision for the payment of the necessary expenses, the Lieutenant-Governor in Council may, in his discretion, authorize the Attorney-General to appoint the number of police officers required, who shall thereupon be stationed at such places and in such manner as the latter shall direct; and such application may be granted on such conditions for securing payment, and as to the length of time for which such additional police officers may be required, and upon such other terms and conditions, as to the Lieutenant-Governor in Council shall seem meet. R. S. Q., 2861

Railway and other companies may have a police force on certain conditions.

Section not to prevent appointment of special constables.

**"2856.** Nothing in this section shall be construed to prevent the appointment of special constables in any case in which they may by law be appointed, but whenever such special constables are appointed in any city, town or place in which there lawfully are or to which have lawfully been sent officers of the provincial police force, if the chief or any sergeant of such police is present, such special constables act under and obey the orders of such sergeant or officer, and assist the provincial police force in the execution of their duties, and, while so acting [and assisting, have all the powers of police constables; but such special constables shall be entitled to be paid in those cases only in which they would be so entitled if acting alone, and, if entitled to pay, shall be paid at the same rates, in the same manner, and out of the same fund as if acting alone. R. S. Q., 2864.

### § 12.—*Special Provisions.*

#### I.—POLICE FURNISHED BY MUNICIPALITIES.

Certain cities and municipalities bound to furnish policemen for terms of criminal courts.

**"2857.** Every city or municipality in which a police force is maintained, otherwise than under the provisions of this section, is bound, whenever required so to do by the Lieutenant-Governor in Council, to place a certain number, not exceeding thirty of the men of such force, under the control of the sheriff of the district, during each term of the Court of Queen's Bench holding criminal pleas, and each term of general sessions of the peace, and during eight days before, and eight days after each such term. R. S. Q., 2865.

Duties of such men :  
To attend court, &c. ;

**"2858.** It is the duty of such men :  
1. To attend upon the court and to execute all warrants and perform all the duties and services in relation thereto which may lawfully be performed by constables ;

To perform all duties of constables.

2. To perform all duties which may be lawfully performed by constables in relation to the escort and conveyance of convicts and other prisoners or lunatics, to or from gaols, courts, or lunatic asylums and other places. R. S. Q., 2866.

How sheriff shall act in case of refusal to furnish said men.

**"2859.** If such city or municipality refuse or neglect to comply with the provisions of article 2857, the sheriff may employ and pay such other men as may be required and recover the amount of any expenses so incurred by him from such city or municipality, by action before any court of competent jurisdiction, and in default of payment within fifteen days after the judgment, he shall proceed to levy the same in accordance with the provisions of article 2865. R. S. Q., 2867.



## II.—PAYMENT BY MUNICIPALITIES.

“ **2860.** Each municipality, into which any police officers are sent at the request of its council, shall pay, without delay, to the Provincial Treasurer, the amount agreed upon, or the amount of the expenses incurred or the pay of the additional police officers. R. S. Q., 2868. Municipality to which police officers are sent to pay amount required.

## § 13.—Suits and Prosecutions.

“ **2861.** Every action or prosecution against any police officer, for anything done by him as such, shall be brought in the district where the act complained of was done, and shall not be commenced after the end of six months from the doing of such act, or until one calendar month's notice in writing of the action and of the cause thereof shall have been given to the defendant. Limitation of actions. Notice of action.

In any such action the defendant may plead the general issue and give the special matter in evidence at the trial. Plea and proof.

No plaintiff shall recover in any such action if a tender of sufficient amends were made before the action was brought, or a sufficient sum of money have been paid into court by the defendant after the action was brought. R. S. Q., 2871. Plaintiff not to recover in certain cases.

“ **2862.** All fines or pecuniary penalties imposed under the authority of this section, are, whenever no other mode of recovery is prescribed, recoverable in a summary manner before any justice of the peace; and the laws in force with regard to proceedings in cases of summary convictions shall apply to proceedings for the recovery of penalties under this section, in so far as they may not be inconsistent therewith. R. S. Q., 2872. Recovery of penalties not otherwise provided for.

“ **2863.** Common reputation is held to be sufficient evidence of the due appointment of any police officer, and of his right to act as such, without producing any appointment or oath or other matter in proof of such right. R. S. Q., 2873. Evidence of appointment of police officer.

“ **2864.** Every municipal council shall have power to raise and levy all sums which the municipality may require to pay under this section. R. S. Q., 2875. Municipal councils may levy sums required.

“ **2865.** The sums to be paid to the Provincial Treasurer under the provisions of this section shall be recovered in Her Majesty's name, before any competent court, upon the certificate of the Attorney-General, and being paid or recovered, shall form part of the consolidated revenue fund. How sums to be paid shall be recoverable.

In default of the said sums being paid within fifteen days after a certificate of the Provincial Treasurer of the amount required to be levied shall have been lodged with the sheriff How levied in default of payment.

after such publication, be deposited by the petitioners in the office of the prothonotary of the Superior Court of the district in which the head office of the association shall be situated, and, from and after the publication of such notice and of such deposit, it shall be constituted a mutual benefit association or charitable association, as the case may be.

Costs of publication.

5. The publication, deposit and registration of the notice required by this article shall be made at the expense of the association.

Penalty in certain cases.

6. Whosoever carries on any operations for or in the name of any association contemplated by this article, before the above-mentioned formalities have been complied with, shall be liable to a fine not exceeding one hundred dollars and, in default of payment, to imprisonment not exceeding three months. R. S., 3096.

Branches.

" 3098. The association may establish and maintain branches thereof to promote the objects for which it was authorized to become constituted, on condition that it deposits in the office of the prothonotary of the Superior Court of the district in which any branch is established, a copy of the notice published in the *Quebec Official Gazette*. R. S., 3097.

#### SECTION III

#### POWERS AND PRIVILEGES

Seal.

" 3099. Each association shall have a common seal, which it may change and alter at pleasure.

Corporate powers.

Under the name by which it is designated in the notice published in the *Quebec Official Gazette* it shall have continued succession, and may contract, and may sue and be sued in any court of justice whatever. R. S., 3098.

Board of directors.

" 3100. The affairs of the association shall be managed by a board of directors, composed of the number of directors determined by the association who are elected at the general meeting of the association, to be held at the time and place established by the rules of the association.

Quorum.

Five directors shall form a quorum.

First meeting for election of directors.

" 3101. The first meeting for the election of directors shall be held within two months after the constitution of the association; and such directors shall remain in office until they are replaced at the first annual meeting.

President and other officers.

" 3102. The directors shall select from among themselves a president and a vice-president, and shall appoint a secretary-treasurer and all other officers of the association. R. S., 3099.

**" 3103.** The members of the association may make, Power to make regulations. modify or repeal rules or regulations necessary for the government and for conducting the business of the association and of its branches. R. S., 3099.

**" 3103a.** Such rules and regulations shall not contain any- Not to be contrary to law, &c. thing in violation of the laws or customs of this Province, or be directed to the furtherance of any political or seditious object whatsoever. R. S., 3100.

**" 3103b.** The association may require its officers and secre- Security to be furnished by officers. tary-treasurer to give security for such sums of money or other property of the association, as may be placed in their hands or under their control, on behalf of the association. R. S., 3101.

**" 3103c.** The association may acquire and take, by pur- Power to hold in property, &c. chase, donation, devise or otherwise, and hold for its use, and according to the rules and regulations thereof, moveable property, and also immoveable property in this Province not exceeding, in annual value, the sum of ten thousand dollars. It may sell and alienate such property, and may acquire other property in place thereof; but the immoveables so acquired shall not exceed in annual value the sum above-determined. R. S., 3102.

**" 3103d.** No member of any association shall, in his Responsibility of members limited. individual capacity, be liable for any debt or liability of the association. R. S., 3103.

**" 3104.** The printed or written rules of such association, Evidence in proceedings. and the appointment of any officer, secretary-treasurer, or enrolment of any member, certified under the hand of the presiding officer and the seal of the association, and the books, minutes and other documents of the association, relative to any matter then in question, may be received in evidence in any proceedings in any court. R. S., 3104.

#### SECTION IV

#### BENEFITS CONFERRED UPON MEMBERS BY MUTUAL BENEFIT ASSOCIATIONS

**" 3104a.** The benefits conferred by mutual benefit asso- Benefits not liable to seizure. ciations incorporated in this Province under article 3097 or by special charter, or constituted outside the Province and carrying on business in the Province with the authorization of the Lieutenant-Governor in Council under article 5375a, in favor of their members or the widows, heirs and assigns of such members, are not liable to seizure for the debts of such member or for those of the parties benefited.

Assignment of rights to benefits.  
Disposal of benefits by will.

Any member and the parties benefited may join in assigning all rights to such benefits.

Any member may dispose, by will or otherwise, of the benefits accruing from the association if the parties benefited were to predecease him. R. S., 3104*a*. ; 52 V., c. 33, s. 1.

Maximum of aid to be paid to sick, &c., members.

**"3104*b*.** In mutual benefit associations formed in this Province under article 3097 or by special charter, or constituted outside the Province and carrying on business in the Province with the authorization of the Lieutenant-Governor in Council under article 5375*a*, the aid or assistance paid to such members for any purpose cannot exceed the amount to be raised for that purpose after deducting the costs of management chargeable to that service. R. S. 5376*a* ; 59 V., s. 34, s. 2.

Responsibility of members of committee of management for infringement of previous article.

**"3104*c*.** The members of the committee of management or board of directors of the association are, jointly and severally, responsible for any payment made in contravention of the preceding article and may, upon suit brought by any member thereof, be condemned to reimburse to the association any sum so paid. R. S. 5376*b* ; 59 V., c. 34, s. 2.

#### SECTION V

#### INSPECTION OF MUTUAL BENEFIT ASSOCIATIONS AND CHARITABLE ASSOCIATIONS

Associations subject to inspection.

**"3104*d*.** All mutual benefit associations, formed in this Province under article 3097 or under special charter, or constituted outside the Province and carrying on business in the Province, with the authorization of the Lieutenant-Governor in Council under article 5375*a*, are subject to the inspection prescribed by this section. R. S., 5390.

Appointment of inspector.

**"3104*e*.** The Lieutenant-Governor in Council may appoint an officer, to be called the "Inspector of Mutual Benevolent Associations," with an annual salary not exceeding fifteen hundred dollars to be paid out of the consolidated revenue fund of this Province.

His salary.

His duties.

It shall be the duty of such inspector to examine and report to the Provincial Secretary, from time to time, upon all matters connected with mutual benefit associations in accordance with instructions from the latter. R. S., 5377.

Annual visit to head offices.

**"3104*f*.** The inspector shall visit the head office of every association at least once in every year, or oftener if thereto required by the Provincial Secretary, and shall carefully examine the statements of the association as to its condition and affairs, verify the same by the books of the associa-

tion, and report thereon to the Provincial Secretary as to all matters requiring his attention and decision.

2. The inspector shall, from such examination, prepare and lay before the Provincial Secretary, on or before the thirtieth of June of each year, a report of the condition of every association's business, as ascertained by him from his personal inspection. R. S., 5378.

"3104g. Every year during the month of April, each association shall furnish the inspector with a list of its directors and officers, a report of its operations, a statement of its affairs and a declaration under oath attesting that it has complied with all the requirements of the law. List of directors, &c., to be furnished to inspector, &c.

"3104h. Such lists, reports and statements shall be made upon forms to be prescribed by the Provincial Secretary, and shall be verified under oath by the duly authorized officers of such associations; and such lists, reports and statements or the substance thereof shall be given in the inspector's annual report to the Provincial Secretary. R. S., 5395. Form of such lists, &c.

"3104i. If, in any year, any such association fails, to make such report to the inspector, the latter shall notify the Provincial Secretary, and thereafter proceedings shall be had in the manner set forth in articles 3104l, 3104m and 3104n. R. S. 5396. Report to Provincial Secretary of list, &c., not furnished.

"3104j. It is the duty of the officers or agents of any such association to have their books open for the inspection of the inspector, and to facilitate such examination. The inspector may examine, under oath, any officer or agent of the association relative to its affairs. R. S. 5380. Books, &c., to be open to inspection. Examination of officers, &c., under oath.

"3104k. If it appears to the inspector that the assets or sources of revenue of any association are insufficient to justify its continuance of business, he shall make a special report on the affairs of such association to the Provincial Secretary. He shall, in all cases, make such report whenever the liabilities of the association exceed its available assets. R. S., 5382. Special report if assets insufficient.

"3104l. After the receipt by the Provincial Secretary of such report, an order in council may issue, prohibiting the said association from doing any further business. R. S. 5383. Order in council prohibiting association from doing further business.

"3104m. Notice of such order in council shall be published in the *Quebec Official Gazette*, and, after the publication of such notice, it shall not be lawful for such association to do any further business in the Province until the prohibition be removed by the Lieutenant-Governor in council. Publication of notice of order.

Fine, if association continue business after publication.

If the association continue to do business, notwithstanding the notice, each director shall be liable to a fine of two hundred dollars and costs, and, in default of payment, an imprisonment not exceeding six months, and any person, collecting any sums of money, or transacting any business on behalf of such association shall be liable to a fine of fifty dollars and costs, and, in default of payment, an imprisonment of three months, for each infringement of such prohibition.

Application of fine.

One half of the fine is payable to the Crown and the other half to the informer. R. S., 5384.

Petition for appointment of liquidator.

"**3104n.** After the publication of the notice in the *Quebec Official Gazette*, the Attorney-General may apply to a judge of the Superior Court, by petition served in the usual way, for the appointment of a liquidator.

Contestation of petition.

Such petition may be contested by the association within ten days of its service, and the contestation shall be tried and decided summarily by a judge of the court.

Powers and duties of liquidator.

The liquidator,—who shall be vested with all the rights conferred by the Civil Code upon curators to the affairs of a dissolved corporation,—shall proceed with as little delay as possible to wind up the affairs of the association, in the manner prescribed for the liquidation of insolvent companies. R. S., 5385 ; C. C., 371 to 373*u*.

Penalty on associations for certain contraventions.

**3104o.** Every association, which neglects or refuses to facilitate the examination mentioned in article 3104*j*, or in any other way refuses or neglects to conform to the requirements of this section, shall, on report to that effect by the inspector, be prohibited from doing any further business, in the same manner, with the same formalities and provisions, and subject to the same penalties, as are set forth in articles 3104*l*, 3104*m*, and 3104*n*. R. S., 5386.

Payment to Provincial Treasurer by associations for salary, &c., of inspector.

"**3104p.** Towards defraying the salary of the inspector, his travelling expenses and the expenses of his office, a sum not exceeding two thousand five hundred dollars shall be annually paid, on or before the first of July, to the Provincial Treasurer by the mutual benefit associations subject to inspection.

How levied.

Such sum shall be assessed *pro rata* according to the number of the members of each association for the preceding year. R. S., 5388.

Inspection of charitable associations.

"**3104q.** The inspection, provided for by this section, shall not be obligatory upon charitable associations; but, at the request of twelve persons, interested in any such association, the inspector may be instructed by the Provincial Secretary to inspect such association, and the provisions of this section shall thereafter apply to such association. R. S., 5389.

## SECTION VI.

## GENERAL PROVISIONS.

“**3104r.** Prosecutions for the imposition of penalties prescribed by this chapter, shall be governed by the provisions of PART LVIII of the Criminal Code, 1892, respecting summary convictions. Prosecutions for penalties.

## SCHEDULE A

*Form mentioned in article 3097.*

The formation of an association under the name of (*state the name*) for (*state the purposes of the association*), has been authorized by Order in Council, dated the

The head office of the association is at (*name of city or town, &c.*) (*Date*)

*Provincial Secretary.”*

**2.** Every mutual benefit association and charitable association at present existing, however constituted, saving those carrying on business in the Province with the authorization of the Lieutenant-Governor under the act 61 Victoria, chapter 39, shall within three months after the coming into force of this act, under the penalties enacted by article 3097, transmit to the Provincial Secretary, and deposit in the office of the prothonotary of the Superior Court of the district in which it has its head office, a declaration drawn up in duplicate setting forth the name of the association, its purpose, the names, surnames and addresses of its directors, managers, president, and secretary, and the place where it holds its head office. Duty of existing associations to forward declaration, &c., under this act.

In all other respects the provisions of this act apply to all such societies. Application of act to such associations.

This act does not apply to mutual benefit associations nor to charitable associations incorporated under a federal act or charter or which have made a deposit with the federal government. Associations under federal charter, &c.

**3.** The sum required to defray the expenses mentioned in article 3104p, from the time that this act shall be put into execution until the thirtieth of June next shall be levied upon the mutual benefit associations subject to inspection in the manner therein indicated. Expenses to 30 June, 1899.

**4.** Nothing in this act shall affect pending cases.

Pending cases.

**5.** This act shall come into force on the day of its sanction. Coming into force.

## CAP. XXXIII

An Act to amend the law respecting Asylums for the insane.

[Assented to 10th March, 1899]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

R. S., 3227,  
replaced.

1. Article 3227 of the Revised Statutes, as enacted by the act 55-56 Victoria, chapter 30, section 8, is replaced by the following :

Recovery of  
amounts  
paid.

“ 3227. The amount paid by any city or town municipality under the provisions of this law, shall be considered as a debt which may be levied under the Municipal Code or of the charter of the city or town, and may be collected in the same manner as an ordinary tax.”

Art. added  
after R. S.  
3228e.

2. The following article is added to the Revised Statutes, after article 3228e, as enacted by the act 56 Victoria, chapter 31, section 13 :

Other provi-  
sions for  
reimbursing  
certain pay-  
ments.

“ 3228f. Any county municipality which has paid a sum of money to the Government for the maintenance, custody or treatment of any insane person, or for his transport to or from an asylum, may, instead of being reimbursed in the manner prescribed by article 3228e, recover the sum which it has so paid from the local municipality whence the patient was sent to the asylum.

The local municipality may afterwards be reimbursed, in conformity with the rules prescribed by article 3228e, the amount which it has so paid to the county municipality.”

Coming into  
force.

3. This act shall come into force on the day of its sanction.

## CAP. XXXIV

An Act to amend the Notarial Code.

[Assented to 10th March, 1899]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

R. S. 3695,  
amended.

1. Article 3695 of the Revised Statutes, as amended by the act 59 Victoria, chapter 29, section 3, is further amended by adding thereto the words “ even when concurrent jurisdiction is given to the court of another district.”



**2.** Article 3710 of the Revised Statutes is amended by Id. 3710, adding thereto the following clause : amended.

"The subdivisions of the judicial districts made since the coming into force of the Notarial Code, and those which may be hereafter made, shall not affect this article." Certain subdivisions of judicial districts not to affect article.

**3.** Article 3721 of the Revised Statutes is amended by Id. 3721, adding thereto the following clause : amended.

"The chairman himself may also deposit his ballot, and, at the counting of the votes, in the case of an equality of votes, he shall give his casting vote." Vote and casting vote of chairman.

**4.** Article 3722 of the Revised Statutes is amended by Id. 3722, replacing, in the fifth line, the word "fifteen" by the word "eight." amended.

**5.** Article 3729 of the Revised Statutes, as replaced by Id. 3729, re- the act 55-56 Victoria, chapter 31, section 3, is again replaced placed. by the following :

**"3729.** General meetings of the Board of Notaries are opened at ten o'clock in the forenoon, at Quebec and Montreal, alternatively, on the second Tuesday of the month of July in each year. If the day so fixed be a non-judicial day, the meeting opens the next judicial day. Day and hour for holding general meetings of board.

The first meeting after the coming into force of this act shall be held at Quebec. First meeting.

**6.** Article 3785 of the Revised Statutes is replaced by the following : Id. 3785, replaced.

**"3785.** At each annual meeting the treasurer renders his accounts up to the first of July. Accounts by treasurer..

**7.** Article 3786 of the Revised Statutes, as amended by the act 61 Victoria, chapter 28, section 2, is amended by replacing, in the third line, the word "September" by the word "July". Id. 3786, amended.

**8.** Article 3787 of the Revised Statutes is amended by replacing the word "October," in the second line, by the word "September". Id. 3787, amended.

**9.** Article 3795 of the Revised Statutes is amended by adding after the words "table are", in the first line, the words "if the Board so orders". Id. 3795, amended.

**10.** Article 3806 of the Revised Statutes is amended by substituting, in the third line, the word "fifteen" for the word "thirty". Id. 3806, amended.

Id. 3819,  
amended.

**11.** Article 3819 of the Revised Statutes is amended by replacing, in the fourth line, the words "one month," by the words "fifteen days".

Id. 3821,  
amended.

**12.** Articles 3821 of the Revised Statutes is amended by replacing, in the second line, the words "three weeks," by the words "one week".

Id. 3859,  
amended.

**13.** Article 3859 of the Revised Statutes, as amended by the act 55-56 Victoria, chapter 31, section 6, is further amended by replacing, in the first line, the words : "At the annual meeting", by the words : "At the first meeting of every triennial term," and by adding, at the end of the said article, the following paragraph :

Appointment  
of Committee  
on Discipline.

"At its next meeting, the Board of Notaries shall appoint its Committee on Discipline for the present triennial term."

Coming into  
force.

**14.** This act shall come into force on the day of its sanction.

## C A P. XXXV

An Act to amend the "Quebec Pharmacy Act."

[Assented to 10th March, 1899.]

**H**ER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

R. S. 4033,  
replaced.

**1.** Article 4033 of the Revised Statutes, as replaced by the act 53 Victoria, chapter 46, section 8, is again replaced by the following :

Poisons  
named in  
schedule A.

"**4033.** The several substances, named or described in Schedule A, shall be poisons within the meaning of this act.

Articles  
declared to be  
poisons by  
regulation.  
Approval of  
regulation by  
Lieutenant-  
Governor.

The council may, from time to time, by regulation, declare that any substance named therein shall be a poison within the meaning of this act

The council shall submit such regulation to the approval of the Lieutenant-Governor in Council, and, if it be approved, it shall come into force one month after the publication thereof in the *Quebec Official Gazette*, and the substances therein mentioned shall be considered as poisons within the meaning of the law.

Lieutenant-  
Governor  
may have  
substance  
analyzed be-  
fore approv-  
ing regula-  
tions.

The Lieutenant-Governor in Council may, before giving his approval, cause to be ascertained, by an expert, at the expense of the Pharmaceutical Association of the Province of Quebec, whether the substances mentioned in the regulation are or are not poisons within the meaning of this act."

2. The following article is added to the Revised Statutes after article 4039a:

" **4039b.** Nothing in this act contained shall extend to or interfere with or affect the making or dealing in any patent or proprietary medicines. Art. 4039b. added to R. S. Sale, &c., of patent medicines, &c.

2. If, however, there is any reason to apprehend that any such medicine contains any poison mentioned in schedule A to this act in such a quantity as renders the use of the said medicine, in the doses prescribed, dangerous to health or life, the Board of Health of the Province of Quebec may cause an analysis of such medicine to be made by an analyst or other competent person. Analysis of such in certain cases.

3. If, on such analysis, it is reported by such analyst or other person that such patent or proprietary medicine does contain any of the said poisons in such a quantity as renders its use, in the doses prescribed, dangerous to health or life, the said Board shall give notice to the manufacturer or proprietor of such medicine, or to his agent, or representative in this Province of the result of such analysis, and in that case shall name a convenient time and place at which the manufacturer or proprietor may be heard before the said Board, in opposition to the said report. Hearing accorded to proprietors &c., if poison reported to be therein.

4. If the Board is of opinion that the said medicine is, in the doses prescribed, dangerous as aforesaid, the said Board shall report its opinion to the Lieutenant-Governor in Council, and the report shall be subject to appeal to the Lieutenant-Governor in Council. Report to Lieutenant Governor and appeal therefrom.

5. The Board shall submit to the Lieutenant-Governor in Council the report of the analysis and the objections, if any, made to the same by the manufacturer or proprietor, together with the report of the Board thereon, and if the Lieutenant-Governor in Council approves of the report of the Board, notice thereof shall be given in the *Quebec Official Gazette*, and after such notice, the provisions of this act with regard to poisons shall apply to such medicine, whether sold by persons registered in pursuance of this act or by others. Publication in Quebec Official Gazette of order approving report.

## CAP. XXXVI

An Act to amend the law respecting Dentists.

[Assented to 10th March, 1899.]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

1. Article 4955 of the Revised Statutes, as replaced by R. S. 4055, the act 52 Victoria, chapter 40, section 1, and amended by the acts 55-56 Victoria, chapter 32, section 1; 57 Victoria. amended.

chapter 37, section 1, and 59 Victoria, chapter 30, section 1, is further amended :

§ 2, replaced.  
Composition  
of board.

(a) By replacing paragraph 2 by the following :

" 2. The board is composed of six active members of the association, elected by ballot at a general meeting of the association held for the purpose, annually, and, in addition thereto, each of the Universities in the Province of Quebec granting the degree of Doctor of Dental Surgery, and to which the Dental College of the Province of Quebec is affiliated, and also the said Dental College, shall be entitled to appoint, annually, a member to act as its representative on said board ; such member shall also be an active member of the Dental Association.

Members of  
faculty of col-  
lege ineligi-  
ble.

No member of the faculty of the Dental College of the Province of Quebec shall be eligible for election as a member of the board.

Members in  
trade not eli-  
gible.

No member of the association engaged in trade or commercial pursuits shall be eligible as a member of the board or of the college faculty. "

§ 5, replaced.

(b) By replacing paragraph 5 by the following :

Term of office  
of elected  
members.

" 5. The six elected members of the board are to serve for a term of three years, two of their number retiring every year, who shall be eligible for re-election.

Retiring of  
members.

At the election immediately following the coming into force of this act, the two members receiving the smallest number of votes shall retire at the end of the first year, the two coming next in number of votes received shall retire at the end of the second year, and the two receiving the largest number of votes shall serve for the full term of three years."

§ 7, replaced.

(c) By replacing paragraph 7 by the following :

If election not  
held on day  
fixed.

" 7. If, for any causes whatsoever, the election could not be held on the day prescribed, then it may be held at any adjourned meeting, provided that, at the meeting so adjourned, there shall be present at least twenty-five members qualified to vote.

Notice in *Que-  
bec Official Ga-  
zette* required.

In case there should not be twenty-five such members present, the secretary shall convene another meeting, by thirty days' notice in the *Quebec Official Gazette*, giving the place, date, and hour of said meeting."

§ 8, amended.

(d) By replacing the first three lines of paragraph 8 by the following :

Date of next  
meeting for  
election of  
board.

" 8. The next meeting for the election of members of the Board shall be held on the first Wednesday in September following the coming into force of this act, and annually thereafter."

§ 9, amended.

Power of  
board on  
complaints.

(e) By adding to paragraph 9 the following words :  
" In default of a by-law applicable to particular cases, the board of examiners shall decide, subject to appeal to the annual meeting of the whole profession whether the act

complained of is derogatory to the honor, dignity and discipline of the profession."

(f) By adding at the end of said article the following paragraphs :

" 10. The board of examiners shall appoint the faculty of the Dental College of the Province of Quebec, and approve the course of study, rules, regulations and fees, at the board meeting held in April of each year, and may replace for cause any member or members of the faculty, by a two-third's majority of the members present at a regular meeting. Appointment of Faculty of College  
Approval of course study, &c.

" 11. The examinations for the degree of Doctor of Dental Surgery shall be held in the presence of two assessors, members of the board of examiners. Assessors at examinations.

2. Article 4055a of the Revised Statutes, as enacted by the act 55-56 Victoria, chapter 32, section 2, and amended by the act 56 Victoria, chapter 32, section 1, is replaced by the following : R. S. 4055a, replaced.

" 4055a. The Dental College of the Province of Quebec is established by the Dental Association of the Province of Quebec, for the purpose of giving to dental students and others such lectures and clinical instruction in said college as shall come within the course of subjects of instruction prescribed by the rules and regulations of the board, which course is compulsory on all candidates who may present themselves for license to practice dentistry in the Province of Quebec. Purpose of establishment of Dental College.

3. Students, who were under indenture at the time of the coming into force of the act 55-56 Victoria, chapter 32, are not, and shall not be considered to have ever been obliged to comply with the provisions of the said act ; but they are governed, and they shall continue to be governed, until their admission to practise the dental profession, by the laws which governed them at the time of the coming into force of the said act 55-56 Victoria, chapter 32. Students at the time of coming into force of 55-56 V., c. 32.

4. Article 4055b of the Revised Statutes, as enacted by the act 59 Victoria, chapter 30, section 2, is amended : R. S. 4055b, amended.

(a) By replacing paragraphs 1 and 2, by the following : §§ 1 and 2, replaced.  
" 1. He shall have obtained the degree of " Doctor of Dental Surgery " from any University to which the Dental College of the Province of Quebec is affiliated and at whose examinations the board is represented by two assessors, provided that such degree shall have only been given after he has studied dentistry for four years in any of the said universities from the date of his having passed the examination required by the board of examiners of the Dental Association of the Province of Quebec, of candidates for Requisites for candidates for practice.

admission to the study of dentistry, and according to the curriculum of study prescribed by the said board of examiners.

Notice, &c.,  
to be given  
and docu-  
ments to be  
furnished.

"2. He shall, at least one month before the regular meeting of the said board, held in April, as prescribed in article 4059, have paid into the hands of the treasurer of the said Dental Association of the Province of Quebec the fee required from candidates for admission to the practice of dentistry, and shall have enclosed and delivered to the secretary of the said association the treasurer's receipt for the same, together with a certificate establishing, to the satisfaction of the said board, his integrity and good morals."

§ 3, amended. (b) By replacing, in the first line of paragraph 3, the word "three," by the word "four".

R. S. 4058,  
amended. **5.** Article 4058 of the Revised Statutes, as replaced by the act 55-56 Victoria, chapter 32, section 3, and amended by the act 57 Victoria, chapter 37, section 2, is further amended :

§ 1, replaced. (a) By replacing paragraph 1 by the following :

Conditions of studentship. **"4058.** Any person desiring to study dentistry in this Province must previously have passed the matriculation examination prescribed by the board of examiners of the Dental Association of the Province, but all graduates in arts or medicine from any recognized Canadian or British university shall be admitted to study dentistry without such examination.

Appointment of examiners, &c. The said board shall appoint the necessary examiners and indicate the subjects on which candidates for study and practice shall be examined."

§ 3, amended. (b) By replacing the word "three," in the third line of paragraph 3, by the word "four".

§ § 6, 7 and 8,  
added. (c) By adding at the end of the said article the three following paragraphs:

Transfer of indentures in certain cases. "6. In case of the refusal of the patron to transfer the indentures, the student may appeal to the board of examiners, who may make the transfer, if they see fit.

Death of patron provided for. "7. In case of the death of the patron, the student must notify the fact to the secretary of the board immediately. The secretary upon receipt of the notice will make the transfer to his new patron. The student shall have two months in which to find another patron, which two months shall not be deducted from the time of his indentureship.

Number of students limited. "8. No licentiate of dental surgery in the Province of Quebec shall have more than two students under indenture at one and the same time."

R. S., 4059,  
amended. **6.** Article 4059 of the Revised Statutes, as replaced by the act 55-56 Victoria, chapter 32, section 4, is amended by replacing paragraph 1 by the following :

"**1059.** Every person desirous of being examined by Payments, the board touching his qualifications for the practice of &c., required dentistry in this Province, shall, at least one month before by applicants the regular meeting of the board in April, pay into the for permission the hands of the treasurer the required fee and enclose and to practise. deliver to the secretary the treasurer's receipt for the same, together with a certificate establishing, to the satisfaction of the board, his integrity, and good morals."

**7.** Article 4061 of the Revised Statutes, as replaced R. S., 4061, by the act 52 Victoria, chapter 40, section 1, and amended. amended by the act 57 Victoria, chapter 37, section 2 is further amended:

(a). By replacing the words "the said" in the second § 2, amended. line of paragraph 2 by the word "each".

(b). By replacing paragraph 6 by the following: § 6, replaced.  
"6. Each member of the board shall be entitled, in Fees, &c., of addition to his travelling expenses, for each examination members of attended by him, to a fee to be determined upon by the board. board. the board, but which shall not exceed five dollars per sitting."

(c). By replacing paragraph 7 by the following: § 7, replaced.  
"7. In the event of the death or resignation of a member vacancies on the board. of the board, or of any vacancy for any cause whatever, the other members shall immediately elect a person qualified for such office (who shall hold office until the annual meeting, when the association shall elect by ballot a member to fill the said vacancy)."

(d) By adding to paragraph 8 the following words "for § 8, amended. the purpose of holding examinations."

**8.** Article 4062 of the Revised Statutes, as replaced R. S., 4062, by the act 52 Victoria, chapter 40, section 1, is amended by amended. replacing in the fourth line of paragraph 32, the word "fifteen" by the word "forty," and by replacing in the sixth line of the said paragraph the word "eight" by the word "twenty-five".

**9.** Article 4063 of the Revised Statutes, as replaced R. S., 4063, by the act 52 Victoria, chapter 40, section 1, is again replaced. replaced by the following:

"**4063.** Any dentist who shall have been found guilty Certain offences to involve before any court of competent jurisdiction, of indecent loss of right to practice in the exercise of his profession, or of any indictable offence under the Criminal Code, 1892, or who shall render himself liable to civil interdiction, or become deprived of any of his civil rights, shall lose *ipso facto* the right of practising as a dentist within this Province."

**10.** Article 4065 of the Revised Statutes, as replaced R. S., 4065, by the act 52 Victoria, chapter 40, section 1, and amended. amended by the acts 55-56 Victoria, chapter 32, section 6,

57 Victoria, chapter 37, section 4, and 60 Victoria, chapter 41, section 1, is further amended by replacing the last four lines of paragraph 6 by the following :

Penalties.

" Shall be liable to a fine of not less than twenty-five dollars nor more than one hundred dollars for the first offence, of not less than fifty dollars nor more than one hundred and seventy-five dollars for the second offence, and of not less than one hundred dollars nor more than three hundred dollars for each subsequent offence, to be recovered with costs of suit in the manner prescribed by article 4067."

Coming into force.

**11.** This act shall come into force on the day of its sanction.

## CAP. XXXVII

An Act to amend the act concerning Civil Engineers.

[Assented to 10th March, 1899.]

**H**ER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

61 V., c. 32,  
s. 1 § 4,  
amended.

**1.** Paragraph *d* of section 1 of the act 61 Victoria, chapter 32, is amended by striking out, in the ninth line of the French version, the word "*miniers*."

Coming into force.

**2.** This act shall come into force on the day of its sanction.

## CAP. XXXVIII

An act to amend the law respecting the Association of Architects of the Province of Quebec.

[Assented to 10th March, 1899.]

**H**ER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

Provision re-  
specting stu-  
dents who  
commenced  
studying at  
the time of  
coming into  
force of 61 V.,  
c. 33.

**1.** Notwithstanding the provisions of section 7 of the act 54 Victoria, chapter 59, as amended by the act 61 Victoria, chapter 33, section 2, all students, who had commenced their courses of studies in an architect's office previous to the coming into force of the act 61 Victoria, chapter 33, may register proof by solemn declaration of such studentship with the secretary of the Association, within three months from the date of the sanction of this act, and, as soon as they shall have completed the four years of studentship, they shall be entitled to present themselves for the final examinations for admission to practise.



## CAP. XXXIX

An Act to amend article 4404 of the Revised Statutes.

[Assented to 10th March, 1899]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

1. Article 4404 of the Revised Statutes is amended : R. S., 4404, amended.

(a) By adding after the word "Government," in the sixth line, the words "or by any person whomsoever".

(b) By adding after the word "Government," in the second line of paragraph 2, the words "or to such person".

(c) By adding after the word "company," in the second line of paragraph 3, the words "or person."

## CAP. XL

An Act to amend the law respecting town corporations.

[Assented to 10th March, 1899.]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

1. Article 4454 of the Revised Statutes, as amended by R. S., 4454 amended. the act 56 Victoria, chapter 33, section 1, is again amended by adding after the second paragraph the following :

"And the council of the town shall then have authority to appoint a delegate to represent it on the county council or on the board of delegates, as the case may be, which delegate shall, as regards works on water-courses and bridges, have the same jurisdiction as a county councillor or a county delegate, as the case may be. Appointment by town of delegate to county council.

In default of the above consent, and of the appointment of its delegate within a delay of fifteen days after a notice shall have been given to the secretary of the county council or the secretary of the delegates, the corporation of the county or the board of delegates may apply to the circuit court of the county or district or to the magistrate's court of the district by a petition, five days' notice whereof shall be given to the said town corporation, to cause it to be declared that the territory of the said town municipality or part thereof is, from the direction of the water-courses, interested in the said works on water-courses and bridges, and to have a delegate appointed by the said court to represent the town corporation on the county council or the board of delegates. Application to court for appointment in default of town.

Treatment of territory thereafter.

After such consent and such appointment or such judgment, the territory so declared to be interested in the said works is treated as forming part of the county municipality, and is, for the purposes of the said works, under the jurisdiction of the county council or of the board of delegates as well as of the superintendents or other officers who may be appointed by these two authorities, as if the said territory formed part of the county municipality in question.

Judgment not subject to appeal.

The judgment rendered on such petition is not subject to appeal.

Art. added after R. S., 4558.

**2.** The following article is added to the Revised Statutes after article 4558 :

Sales of immoveables for taxes may be made by the secretary-treasurer as provided by Municipal Code.

**"4558a.** The council may, nevertheless, whenever it deems it expedient, declare by resolution that the sale of one or more immoveable properties upon which taxes are due shall not be effected under a warrant addressed to the sheriff, but that the secretary-treasurer shall sell such in the same manner as the secretary-treasurer of a county council under the Municipal Code and subject to the same right of redemption : and, in that case title eleventh of book second, comprising articles 998 to 1025, inclusively, of the said Code shall apply to the town, and in the said articles wherever the terms "secretary-treasurer of the county council" or "county council" are made use of, they shall mean and apply to the "secretary-treasurer of the town" or "town council," as the case may be.

Application of article.

This article applies to all town corporations, even if the charter enacts another system of levying taxes."

Art. added after R. S., 4561.

**3.** The following article is added after article 4561 of the Revised Statutes :

Expropriation of macadamized roads, &c.

**"4561a.** The council may also, by complying with the laws respecting expropriations, appropriate the whole or any part of any macadamized or stoned road in the municipality, belonging to one or more companies."

## CAP. XLI

An Act respecting the giving of bonuses to manufacturers by municipal corporations.

[Assented to 10th March, 1899.]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

Arts. added after R. S., 4643c

**1.** The following section and articles are added after article 4643c of the Revised Statutes, as enacted by the act 59 Victoria, chapter 32, section 1 :

## SECTION VII.

## RESTRICTIONS AS TO MUNICIPAL BONUSES.

" **4643d.** No municipality shall grant a bonus to any manufacturer who proposes to establish, within its limits, an industry of a similar nature to one already established in such municipality without having received a bonus. No bonus to be granted for establishing factory similar to one already established.

" **4643e.** No bonus shall be granted by a municipality to induce the removal thereto of an industry already established and in active operation elsewhere in the Province. No bonus for removal of industry in operation.

" **4643f.** Any bonus granted in contravention of articles 4643d or 4643e shall be null and void. Bonus so granted null.

**2.** This act shall come into force on the day of its sanction. Coming into force.

## CAP. XLII

An Act to amend article 4762 of the Revised Statutes.

[Assented to 10th March, 1899.]

**H**ER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

**1.** The words " Great Britain " in article 4762 of the Revised Statutes shall be read and interpreted as comprising R. S., 4762, explained. and as having always comprised the Channel Islands and the Isle of Man.

**2.** This act shall come into force on the day of its sanction. Coming into force.

## CAP. XLIII

An Act to amend the law respecting railways, with reference to the payment of certain debts incurred in their construction and to the sale of such railways in certain cases.

[Assented to 10th March, 1899.]

**H**ER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

**1.** Articles 5183a to 5183e of the Revised Statutes, as R. S., 5183a explained. enacted by the act 56 Victoria, chapter 36, section 2, and by the act 60 Victoria, chapter 44, section 1, are replaced by to 5183e replaced. the following :

Sequestration  
and sale of  
subsidized  
railway in  
certain cases.

"5183a. When a railway company, subsidized by the Province, has become insolvent; or has not complied with the requirements of its charter, as regards the commencement or completion of its works within the time specified; or does not, in an efficient manner, continue the undertaking, running, operating or working of the road or any part thereof for more than ten days; or has become incapable of so doing; it shall be lawful for the Lieutenant-Governor in council, at any time, upon the report of the Railway Committee of the Executive Council, to authorize the Commissioner of Public Works to cause the railway, the road-bed, and all the rolling-stock and equipment thereof to be sequestered or sold.

Appointment  
of sequestra-  
tor.

"5183b. The sequestrator is appointed by the Superior Court or by a judge thereof in and for the district in which the company's head office in this Province is situated, upon a petition in the name of the Commissioner of Public Works, not less than ten days after the service of a copy thereof at such head office of the company, together with a notice stating the time and place at which it will be presented, which notice shall also be published in the *Quebec Official Gazette* and in at least one French newspaper and one English newspaper published in each of the cities of Quebec and Montreal.

The court or judge shall hear the shareholders and creditors on the appointment of the sequestrator, but shall not be obliged to follow their advice.

Sequestrator  
to be sworn.

"5183c. The sequestrator must be sworn before the judge or prothonotary to well and faithfully administer the property of which he is appointed depositary.

Bailiff to put  
him in pos-  
session.

He is put in possession by a bailiff who draws up a statement containing a description of the property sequestered.

Statement to  
be drawn up.

This statement must be signed by the bailiff and also the sequestrator.

Replacing of  
sequestrator.

The sequestrator may, at any time, be replaced, on the application of the Commissioner of Public Works, by following the same formalities as for his appointment.

Rights and  
duties of se-  
questrator.

He takes possession of the road and of all the rolling-stock, and, under the direction of the Commissioner of Public Works, executes and continues the work of the road at the expense and in the name of the company; maintains the road and rolling-stock in good repair and renews the whole or any portion of such rolling-stock that may become insufficient or disabled; executes, in the same manner, the contracts and acquittances, receipts and other documents, and, generally, performs all acts necessary for the construction, maintenance, administration, operating, and working of the railway, until the company, person or persons in default, or another company lawfully substituted in the rights of the former, resumes and continues, *bona fide*, the fulfilment of the obligations of the company, person or persons in default.

He may, under the direction of the Commissioner of Public Works, take out and defend any suits on behalf of the company.

“**5183d.** The costs of sequestration and of the running, operating and working of the road, of the maintenance of the road and rolling-stock in good order, and of the renewal of any part thereof that may have become insufficient or disabled, shall be taken out of, and shall constitute the first charge upon its earnings, and shall be paid by the sequestrator, under the direction of the Commissioner of Public Works. If such earnings are insufficient, it shall be lawful for the Lieutenant-Governor in Council, on a report of the Commissioner of Public Works, to temporarily advance the necessary sum required out of the consolidated revenue fund of the Province, and, for such advance, the Province shall have a privileged claim against the railway and its rolling-stock and materials, and may retain the amount thereof out of any subsidy that may become due to the company owning or controlling such railway.”

Power to sue, &c.  
Certain costs and charges to be paid out of earnings, &c.  
Advance by Commissioner if earnings insufficient, &c.  
Privilege therefor.

“**5183e.** If the company or person or persons in default or any other company do not resume the construction, maintenance, administration, operating, and working of the road, for the purpose of *bona fide* continuing and completing the same, and, if the sequestrator has not the means at his disposal for continuing them, the Commissioner of Public Works, in his discretion, may present a petition, thirty days’ notice whereof shall be served upon the company, person or persons in default, by leaving a copy at its head office, with the indication of the time and place at which it will be presented, and, upon such petition, the court or judge may order the sheriff of the district to seize and sell the road, the immovables used for the road and the rolling-stock.”

The sheriff executes this order, by following the same rules as in the case of a writ *de terris*, and makes a return thereof to the Superior Court.

Seizure and sale of road, &c., in certain cases.  
Proceedings by sheriff.

All subsequent proceedings, including the distribution of moneys, are had before the Superior Court, and are the same and have the same effect as those relating to compulsory sales of immovables.

Proceedings after sale.

“**5183f.** All proceedings instituted under the authority of this subsection are summary, and the parties have precedence for hearing over all other proceedings or cases.”

Proceedings summary and privileged.

“**5183g.** The foregoing provisions shall apply equally in any case in which a railway may be in the possession of trustees representing bondholders.”

Application to certain railways.

**2.** This act shall come into force on the day of its sanction.

Coming into force.

## CAP. XLIV

An Act to amend the law respecting the inspection of insurance and other companies.

[Assented to 10th March, 1899.]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

R. S., 5376a  
and 5376b, re-  
pealed.

**1.** Articles 5376*a* and 5376*b* of the Revised Statutes, as enacted by the act 59 Victoria, chapter 34, section 2, are repealed.

Id., 5390, re-  
placed.

**2.** Article 5390 of the Revised Statutes, as amended by the act 59 Victoria, chapter 34, section 3, is replaced by the following :

Insurance  
companies  
liable to in-  
spection in  
this Province.

**"5390.** All life and fire insurance companies not licensed under the statutes of the Dominion, and doing business in the Province of Quebec, are subject to inspection by the inspector of insurance appointed under the first subsection of this section and the provisions of the said subsection shall apply to the said companies, in so far as they can be made applicable, as fully as if they were specifically mentioned in this subsection."

Id., 5393,  
amended.

**3.** Article 5393 of the Revised Statutes is amended by striking out the words : "associations and", in the first line.

Id., 5395,  
amended.

**4.** Article 5395 of the Revised Statutes is amended by striking out the words : "associations or", in the third line.

Id., 5396,  
amended.

**5.** Article 5396 of the Revised Statutes is amended by striking out the words : "association or", in the first line.

Id., 5397,  
amended.

**6.** Article 5397 of the Revised Statutes is amended by striking out the words : "association or", in the first line.

Id., 5398,  
amended.

**7.** Article 5398 of the Revised Statutes is amended :

(*a*) By striking out the words : "Association or", in the fourth line.

(*b*) By striking out the words : "Association or", in the ninth and tenth lines, and in the eleventh line.

Id., 5400,  
amended.

**8.** Article 5400 of the Revised Statutes is amended :

(*a*) By striking out the words : "Associations and", in the third line, and

(*b*) By striking out the words : "Associations and", in the fifth line.

52 V., c. 33,  
repealed.

**9.** The act 52 Victoria, chapter 33, is repealed.

Coming into  
force.

**10.** This act shall come into force on the day of its s*an*c*ti*o*n*.

## CAP. XLV

An Act to amend the law respecting insurance companies.

[Assented to 10th March, 1899.]

**H**ER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

**1.** Article 5393 of the Revised Statutes is amended by R. S., 5393, amended. adding after the word "companies", in the first line thereof, the words " except those mentioned in the following article".

**2.** Article 5394 of the Revised Statutes is replaced by the Id., 5394, replaced. following :

" **5394.** Incorporated life insurance companies and incorporated fire insurance companies, not licensed under the statutes of the Dominion and doing business in the Province of Quebec, shall prepare annually and deposit at the Treasury Department a statement of the condition and affairs of such company at the usual balancing day of the company in the preceding year, which statement shall exhibit the assets and liabilities of the company and its income and expenditure during the previous year and such other information as may be deemed necessary by the Provincial Treasurer, and shall be verified upon oath by the president and secretary in the form C, in the schedule to this act. Statements required from certain fire and life insurance companies. Oath required.

Such statement shall be deposited as aforesaid on the first day of January in each year, or within one month thereafter, and shall, in the case of life insurance companies, be made in the form and manner set forth in the form A, and, in the case of fire insurance companies, shall be made in the form and manner set forth in the form B, in the schedule to this act." When statement to be filed. Form of statements.

**3.** This act shall come into force on the day of its sanction. Coming into force.

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SCHEDULE.

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• FORM A.

DETAILS OF YEARLY STATEMENT—LIFE INSURANCE.

A list of the stockholders, with the amount subscribed for, the amount paid thereon, and the residence of each stockholder.

*Property or Assets held by the Company, specifying Assets as per Ledger Accounts.*

The value (as nearly as may be) of the real estate held by the company ;

The amount secured by way of loan on real estate, whether by mortgages, bonds or any other security, distinguishing between those having first or second privilege on such real estate ;

The amount of loans secured by bonds or stocks or other collaterals ;

The amount of loans, as above, on which interest has not been paid within one year previous to such statement, with a schedule thereof ;

The amount of loans made in cash to policy holders on the company's policies assigned as collaterals ;

Premium notes, loans or liens on policies in force, the reserve on each policy being in excess of all indebtedness thereon ;

Par and market values of Canadian and other stocks and securities owned by the company, specifying in detail the amount, number of shares, and the par and market value of each kind ;

Amount of cash at head office ;

Amount of cash in banks, with details ;

Bills receivable ;

Agents' ledger balances :

*Other Assets.*

Interest due and accrued ;

Rents due and accrued ;

Due from other companies for losses or claims on policies of the company re-insured ;

Net amount of uncollected and deferred premiums ;

Commuted commissions ;

All other property owned by the company, with details :

*Liabilities.*

Net present value of all outstanding policies in force, with mode of computation or estimation, deducting those re-insured.

Premium obligations in excess of net values of their policies ;

Claims for death losses and matured endowments, and annuity claims, due and unpaid, or in process of adjustment, or adjusted but not due, or resisted ;

Dividends to stockholders, and dividends of surplus or other profits to policy-holders, due and unpaid ;



Amount due on account of office expenses ;  
Amount of loans ;  
Amount of all other claims against the company :

*Income.*

Amount of cash premiums received, less re-insurance ;  
Premium notes, loans or liens taken in part payment for premiums ; and premiums paid by dividends, including re-converted additions, and by surrendered policies ;  
Cash received for annuities ;  
Amount of interest received ;  
Amount received for rents ;  
Net amount received for profits on bonds, stocks and other property actually sold ;  
All other income in detail :

*Premium Note Account.*

Premium notes, loans or liens on hand at date of last previous statement ;  
Additions and deductions in detail during the year ;  
Balance, note assets at date :

*Expenditure.*

Total amount actually paid for losses and matured endowments ;  
Cash paid to annuitants and for surrendered policies ;  
Premium notes, loans or liens used in purchase of surrendered policies ;  
The same voided by lapse ;  
Cash surrender values, including re-converted additions applied in payment of premiums ;  
Dividends paid to policy-holders, or applied in payment of premiums ;  
Premium notes, loans or liens used in payment of dividends to policy-holders ;  
Cash paid stockholders for interest or dividends ;  
Cash paid for commissions, salaries and other expenses of officials ;  
Cash paid for taxes, licenses, fees or fines ;  
All other expenditures in detail :

*Exhibit of Policies.*

Number and amount of policies and additions in full at the end of the previous year ;  
New policies and changes ;

Policies terminated, and the manner of termination ;  
Number and amount of policies in force at date of statement ;  
Re-insurances.

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## FORM B.

### DETAILS OF ANNUAL STATEMENTS—FIRE INSURANCE.

A list of the stockholders, with the amount subscribed for, the amount paid thereon, and the residence of each stockholder :

*The Property or Assets held by the Company specifying,—*

The value (as nearly as may be) of the real estate held by the company ;

The amount of cash on hand and deposited in banks to the credit of the company—specifying in what banks the same are deposited, with amounts separately ;

The amount of cash in the hands of agents ;

The amount of loans secured by bonds and mortgages constituting either a first or second privilege on real estate, in separate schedules ;

The amount of loans on which interest has not been paid within one year previous to such statement, with a schedule thereof ;

The amounts due the company for which judgments have been obtained ;

The amount of Canadian stocks held by the company, and of any other stocks owned by the company, specifying in detail the amount, number of shares, and par and market value of each kind of stock owned by the company absolutely ;

The amount of stocks held as collateral security for loans, with the amount loaned on each kind of stock, its par and market value ;

The amount of assessments on stock and premium notes, paid and unpaid ;

The amount of interest actually due and unpaid ; also the amount of interest accrued and unpaid ;

The amount of premium notes on hand on which policies are issued, with amount paid thereon ; also, bills receivable held by the company and considered good, the amounts of each class separately, and the amounts on each class overdue ;

The amount of all other property belonging to the company, with a detail thereof :

*The Liabilities of the Company, specifying,—*

The amount of losses due and yet unpaid ;

Amount of losses adjusted, but not due ;

Amount of losses incurred during the year, including those claimed, not yet adjusted, and of those reported to the company upon which no action has been taken—the amounts of each class separately, carrying out the totals in one sum ;

Amount of claims for losses resisted by the company, distinguishing those in suit ;

Amount of dividends declared and due, and remaining unpaid ;

Amount of dividends declared, but not yet due ;

Amount of money borrowed, and security given for payment thereof—stating each loan separately, and the interest paid therefor ;

The amount of unearned fire premiums ;

Amount of all other claims against the company, with a detailed statement thereof ;

Aggregate amount of all unpaid losses, claims and liabilities whatsoever, except capital stock :

*Income of the Company, specifying,—*

Amount of cash premiums received, less re-insurance ;

Amount of notes received for premiums, less re-insurance ;

Amount of interest money received ;

Amount of income received from all other sources :

*Expenditure of the Company, specifying,—*

Amount paid for losses which occurred prior to the first day of January last, which losses were estimated in the last statement at \$ ;

Amount paid for losses which occurred during the year ;

Amount and rate of dividends paid during the year ;

Amount of expenses paid during the year, including commissions and fees to agents and officers of the company ;

Amount of all other payments and expenditure, with details thereof :

*Miscellaneous.*

Gross amount of risks taken during the year, original and renewal,—deducting amount of re-insurance effected thereon ;

And amount of risks in force at end of the year, deducting re-insurance ; and showing at foot the net amount of risks then in force.

## FORM C.

## FORM OF DECLARATION TO ACCOMPANY THE STATEMENT.

Province of Quebec, }  
 District of }

President and

Secretary of

Company being duly sworn, depose and say, and each for himself says, that they are the above described officers of the said company, and that, on the \_\_\_\_\_ day of \_\_\_\_\_ last, all the above-described assets were the absolute property of the said company, free and clear from any liens or claims thereon, except as above-stated, and that the foregoing statement, with the schedules and explanations hereunto annexed and by them subscribed, are a full and correct exhibit of all the liabilities, and of the income and expenditure, and of the general condition and affairs of the said company, on the said \_\_\_\_\_ day of \_\_\_\_\_ last, and for the year ending on that day according to the best of their information, knowledge and belief, respectively.

*Signatures,*

Subscribed and sworn to before me, at \_\_\_\_\_ this  
 day of \_\_\_\_\_ A. D,

## CAP. XLVI

An Act to amend the law relating to Loan and Investment Companies.

[Assented to 25th February, 1899.]

**H**ER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

R. S., 5470,  
 amended.

**1.** Article 5470 of the Revised Statutes is amended by inserting, after the word "Canada," in the third line of the first paragraph thereof, the words "or of the Legislature of any of the other provinces of Canada, wherein such institutions incorporated in the Province of Quebec may exercise the same rights."

R. S., 5472,  
 amended.

**2.** Article 5472 of the Revised Statutes is amended by inserting, after the word "Canada," in the fourth line of the first paragraph thereof, the words "or of the Legislature of

any of the other provinces of Canada, wherein such institutions incorporated in the Province of Quebec may exercise the same rights."

3. Saving pending cases, any institution or corporation or loan and investment society duly incorporated under the laws of the Legislature of any of the other provinces of Canada, wherein such institutions incorporated in the Province of Quebec may exercise the same rights, which has hitherto done such loaning and investment business in this province, and which shall, within one year from the coming into force of this act, obtain the license referred to in the said articles 5470 and 5472 of the Revised Statutes, is hereby declared to have always had and to have lawfully exercised all the powers and privileges enumerated in article 5472 of the Revised Statutes.

Application  
of the law.  
Pending  
cases.

4. This act shall come into force on the day of its sanction.

Coming into  
force.

## CAP. XLVII

An Act respecting certain Immigrant children.

[Assented to 10th March, 1899]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

1. Where the words following occur in this act, they shall be construed in the manner hereinafter mentioned, unless a contrary intention appears :

Interpreta-  
tion.

(a) The word : " child " or " children " shall mean a person or persons under eighteen years of age, immigrants to this Province ;

Child,  
Children ;

(b) The word : " society " shall mean any individual or association of individuals, whether incorporated or unincorporated, undertaking the care, training, reformation or education of orphan, neglected or dependent immigrant children in the Province, or the placing out of such children in foster homes, or the apprenticing of such children to any trade or industry, or other work of a similar character, and shall include a branch or agency of any such society ;

Society ;

(c) The word : " agent " shall include the superintendent or other officer of any society to which this act applies, and also any person who, for reward or otherwise, places or undertakes to place immigrant children in foster homes or as apprentices to any trade or industry or other work of a similar character or to procure them to be so placed ;

Agent ;

(d) The word : " Commissioner " shall mean the Commissioner of Colonization and Mines.

Commission-  
er.

Certificate to be obtained by society.

**2.** Every society, before placing children in the Province, shall lay before the Lieutenant-Governor its objects and method of work, also the class of immigrants it proposes to bring into the Province ; and, on satisfying the Lieutenant-Governor that it is proposed to immigrate only children of good morals, the Lieutenant-Governor may grant the said society a certificate authorizing it to place children in the Province as aforesaid.

Registration of names of agents, &c.

**3.** Every society must register the name of its agents and visitors in the office of the Commissioner.

Agents to be provided with certificates.

**4.** All agents must be provided with certificates from the society countersigned by the Commissioner, attesting that they are such agents.

Home to be provided by society.

**5.** Every society approved by the Lieutenant-Governor shall provide a permanent Home or shelter in the Province, to which the children may be returned.

Record to be kept by society.

**6.** Every society shall keep a record in writing shewing :

(a) Full name of every child placed in the Province by the society ;

(b) Approximate age and date of birth of every child ;

(c) Date on which the child was brought into the Province and of his placing ;

(d) Name and address of every person having, from time to time, the custody of the child ;

(e) The principal terms and conditions entered into on placing out any such child.

Record to be open to inspection.

The record shewing these particulars shall be open to the inspection of any person authorized for that purpose by the Commissioner.

Each child to be visited once a year by society's agent, &c.

**7.** It shall be the duty of the society to cause a personal visit to be made to each such immigrant child, once a year, by an authorized agent or visitor ; and a record of the visits with date must appear in the books of the society.

Powers of principal officer over child.

**8.** The principal officer of every society, shall, with respect to a child, to whom this act applies, have all the powers and duties conferred or imposed by law upon tutors.

Fine upon society, &c., placing children without having obtained certificate.

**9.** Every society, whether incorporated or not, which places children in the Province, without having previously obtained the certificate mentioned in section 2 of this act, is liable to a fine not exceeding fifty dollars and not less than twenty-five dollars.

Fine, &c., upon person

**10.** Every person acting as agent of a society, without holding the certificate mentioned in section 4 of this act, is

liable to a fine not exceeding twenty dollars and not less than five dollars, and, in default of payment, to imprisonment not exceeding thirty days and not less than fifteen days. acting without certificate.

**11.** Any society placing any child of known vicious tendencies, or who has been an inmate of a reformatory, shall be liable to a fine not exceeding one hundred dollars and not less than twenty-five dollars; and the agent or officer of such society who has placed such child shall be liable to a fine not exceeding fifty dollars and not less than ten dollars, and, in default of payment, to imprisonment not exceeding six months and not less than one month. Penalty for placing out vicious child, &c.;

**12.** Every agent and society, placing out any child who, from defective intellect or physical infirmity, is unable to follow any trade or calling, shall be obliged to return such child to the place whence he came, within a year from the date of immigration. Imbecile, &c., children.

**13.** In case any person, who has received any child from a society or agent, is unwilling or unable to carry out the agreement entered into by him with the society or agent, he shall, at his own expense, return such child to the Home provided by the society; and any such person who abandons such child or refuses to return him to the Home shall be liable to a fine of not more than twenty-five dollars and not less than ten dollars, and, in default of payment, to imprisonment not exceeding three months and not less than one month. Children to be returned to Home in certain event. Penalty for not so returning child.

**14.** Any person enticing a child from the custody of the agent or of any person to whom the agent has entrusted such child shall be liable to a fine not exceeding twenty-five dollars, and, in default of payment, to imprisonment not exceeding three months. Penalty for enticing children.

**15.** The provisions of the Criminal Code, 1892, respecting summary convictions before justices of the peace, shall apply to prosecutions under this act. Law applicable to prosecutions.

**16.** The Commissioner may, at any time, recommend the Lieutenant-Governor to revoke the certificate of any society found guilty of a violation of this act or which, upon proof before him, is found guilty of negligence in the performance of any duty imposed by this act. Revocation of certificate.

**17.** This act shall come into force on the day of its sanction. Coming into force.

## CAP. XLVIII

An Act to amend the Civil Code respecting the replacing of registers of civil status which have been lost or destroyed.

[Assented to 10th March, 1899.]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

Art. added to C. C. after 78h.

1. The following article is added to the Civil Code after article 78h, as enacted by the act 60 Victoria, chapter 50, section 3:

Provision for loss of duplicate of register.

"78i. Whenever the duplicate register intended for deposit in the office of the prothonotary of the Superior Court, has been lost or destroyed in whole or in part, the officer charged with keeping the same shall, upon a resolution of the *fabrique*, trustees or religious community interested, establishing such loss or destruction, make, in a register numbered and initialed as provided in the Code of Civil Procedure, a *fac simile* copy of the whole or any part of the sole existing duplicate of such register in his possession, and shall certify to the same under oath before the prothonotary.

Effect of deposit of copy, &c.

Such copy shall thereupon be and remain deposited in the office of the prothonotary and shall have the same effect as the duplicate lost or destroyed."

Coming into force.

2. This act shall come into force on the day of its sanction.

## CAP. XLIX

An Act to amend article 1220 of the Civil Code.

[Assented to 10th March, 1899.]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

C. C., 1220, amended.

1. Article 1220 of the Civil Code is amended by adding, after the first clause of paragraph 6, the following paragraph:

Copies of certain documents certified by notary.

"7. Copies duly certified by a notary in the Province of Quebec of all the writings and documents above enumerated which have been previously deposited with such notary."



## CAP. L

An Act to amend the Civil Code respecting the privileges of *voyageurs*, lumberers, and others.

[Assented to 10th March, 1899.]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

1. The last clause of paragraph 1 of article 1994<sup>c</sup> of the C. C., 1994<sup>c</sup>, Civil Code, as enacted by the act 57 Victoria, chapter 47, <sup>amended.</sup> section 1, is amended by replacing the words "verbal notice" in the nineteenth and twentieth lines by the words "written notice" and by repealing the words "in the presence of two witnesses or a notice in writing" in the twenty-first and twenty-second lines.

## CAP. LI

An Act to amend article 2250 of the Civil Code.

[Assented to 10th March, 1899.]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

1. Article 2250 of the Civil Code is amended by insert- C. C., 2250, <sup>amended.</sup> ing, after the words "the Crown," in the first line, the words "and interest on judgments."

## CAP. LII

An Act to amend the Code of Civil Procedure.

[Assented to 10th March, 1899.]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

1. Article 15 of the Code of Civil Procedure is amended C. C. P., 15, <sup>amended.</sup> by adding, after the figures "750" in paragraph 8, the words and figures "761, 762, and 763".

2. Article 33 of the said Code is amended by replacing <sup>amended.</sup> Id., 33, the word "and," in the fifth line, by the word "or".

Id., 288, re-  
placed.

3. Article 288 of the said Code is replaced by the following :

Deposition to  
avail as evi-  
dence.

"288. The deposition taken by virtue of the preceding Articles shall be used as evidence in the case ; but if the party examined as a witness is still in the Province and can be produced at the trial, he may be examined again.

To form part  
of record.  
Costs.

The deposition taken before the trial shall, in any case, form part of the record, and the cost thereof shall enter into taxation."

Id., 307 and  
733 amended.

4. Article 307 of the said Code is amended by replacing the figures " 346 ", in the last line, by the figures " 356," and article 733 of the said Code is amended by replacing the word and figures " 716 and 717," in the ninth and tenth lines, by the word and figures " 717 and 718."

Coming into  
force.

5. This act shall come into force on the day of its sanction.

### CAP. LIII

An Act to amend article 599 of the Code of Civil Procedure.

[Assented to 10th March, 1899.]

HER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

C. C. P., 599,  
amended.

1. Article 599 of the Code of Civil Procedure is amended by adding, after paragraph 12, the following :

Certain pen-  
sions, &c.,  
not liable to  
seizure.

" 13. All pensions granted by financial or other institutions to their employees, by means of retiring funds or pension funds established among the said employees, as well as the instalments paid or to be paid, to form such pension funds and to give a right to the benefits arising therefrom."

### CAP. LIV

An Act respecting conciliation.

[Assented to 10th March, 1899.]

Preamble.

WHEREAS it is desirable to diminish the number of lawsuits which may arise in country places ;

Whereas, in order to attain that end, it is expedient, in certain cases, to submit lawsuits to conciliation as a condition precedent thereto ;

Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

1. In matters purely personal affecting moveables and when the amount claimed does not exceed twenty-five dollars, no principal demand being the initial proceedings in a suit, between parties capable of transacting, respecting matters which may be the subject of transaction, shall be received before any court of first instance, unless the defendant has previously been summoned in conciliation before one of the conciliators provided for by this act, or unless the parties have voluntarily appeared before him.

Conciliation a condition precedent to certain suits for \$25.

2. In each municipality, the local council may, at any time, select by resolution one or more residents of the locality to fulfil the functions of conciliators under this act.

Appointment of conciliators.

The conciliators so appointed by the council shall, if they accept the duty, take the oath of office and shall in every respect be deemed municipal officers in virtue of and according to the requirements of the Municipal Code.

Oath &c.

3. In addition to such official conciliators, the following shall be *de jure* conciliators in each local municipality :

Certain persons to be *de jure* conciliators.

(a) Priests, Roman Catholic *cures*, provided no one can be summoned to appear before one of such conciliators if he be not of his religious denomination ;

(b) Justices of the peace ;

(c) The mayor of the municipality.

2. The official conciliators who have been sworn, so long as they occupy the position, justices of the peace, and mayors, are obliged to act as conciliators whenever called upon.

4. The following are relieved from conciliation as a condition precedent :

Demands not subject to conciliation as a condition precedent.

1. Demands affecting municipal corporations, school commissioners or trustees, *fabriques*, minors, interdicted persons, or curators to vacant estates ;

2. Demands requiring promptness or which are accompanied by provisional remedies ;

3. Demands in intervention or in warranty ;

4. Demands based on notes, bonds or written acknowledgements or commercial matters generally ;

5. Demands for *main levée* of seizures, oppositions, demands for payment of rent, or farm rent, or arrears of rents or life-rents ; those in execution of a judgment ;

6. Demands in which the domiciles of the interested parties are not within the limits of the same municipality ;

7. Demands brought against more than two parties even if they have the same interest ;

8. Demands for improbations, against a garnishee and for seizures generally.

Costs if defendant fails to appear before conciliator.

**5.** The defendant who fails to appear before the conciliator shall, unless he has valid reasons, be liable for all the costs of the suit which may afterwards be brought against him, even if the plaintiff's action be dismissed.

Notice to appear before conciliator.

**6.** Saving the above provisions, the defendant shall be summoned before one of the conciliators of his locality by means of a simple notice clearly setting forth the object of the conciliation, according to form A of this act or any other form of like tenor.

Jurisdiction of village and town conciliators.

When a territory is detached from a rural municipality to be erected into a village or town municipality, the conciliators of the village or town municipality, have jurisdiction over the rural municipality concurrently with the conciliators of the latter municipality.

Effect of summons in conciliation upon prescription.

**7.** The summons for conciliation shall interrupt prescription and cause interest to run, provided the action be instituted within the month following the date of the non-appearance or refusal to accept conciliation.

Service of notice.

**8.** The service of the notice shall be effected at the diligence of the plaintiff by any literate person competent to give evidence before a court of justice.

When and how to be effected.

Such service shall be made between seven in the morning and nine in the evening, even on non-judicial days, by giving a duplicate or a copy of the notice to the person to whom it is addressed, either by leaving such duplicate or copy with himself or with a reasonable member of his family, or with one of his employees at his place of business.

Oath in lieu of return.

**9.** The declaration under oath of the person who has served the notice shall avail in lieu of the return of service; such declaration is required only in case of future contestation as to the fact of such service.

Delay on summons.

**10.** The delay for the summons shall be at least three days.

Appearance in person or by proxy.

**11.** On the day and at the hour indicated, or at any time if by mutual consent, the parties shall appear in person or by proxy before the conciliator who signed the notice or before any other conciliator who may be present.

Form of proxy.

The power of attorney may be under private seal.

Minute, if parties agree.

**12.** If the conciliator succeeds in getting the parties to agree, he shall draw up a minute of the agreement according to form B annexed to this act or any other form of like tenor.

Such minute shall be drawn up in duplicate, one of which shall be left with each party, and shall, as far as practicable, be signed by such party. How to be drawn.

In the case of non-conciliation, either through want of agreement or through the absence of one of the parties, a minute shall likewise be drawn up according to form C of this act or any other form of like tenor. Minute, in case parties do not agree, &c.

Such minute shall be deposited in the office of the secretary-treasurer of the council to be delivered in duplicate when necessary. Deposit thereof.

**13.** All declarations of the parties before the conciliator shall be of a privileged nature. They cannot be used as evidence in the case if the attempt at conciliation be followed by a suit. Declarations to be privileged.

**14.** The conciliator, before whom the matter is brought either by voluntary appearance of the parties or in consequence of a notice, shall have power to swear any person whose evidence may appear to be necessary and who may consent to give evidence before him. Power of conciliator to swear parties and witnesses.

**15.** This act shall not apply in cities and towns incorporated by special charter nor in any other locality not governed by the Municipal Code. Application of act.

**16.** Whenever a conciliator has acted as such, he shall, subject to the penalties imposed by article 9 of the Municipal Code, so inform the secretary-treasurer of the municipal council, who will take note thereof among his archives, so as to be able, under the same penalties, to furnish when necessary statistics upon the working of this act. Conciliator to notify secretary-treasurer of his having acted.

**17.** All services rendered by conciliators under this act shall be gratuitous. Services gratuitous.

## FORM A

### ACT RESPECTING CONCILIATION

Municipality of \_\_\_\_\_, county of \_\_\_\_\_

To

Mr. (name, occupation and domicile of debtor);

Mr. (name, occupation and domicile of creditor)

claims from you the sum of (amount) for (grounds of claim,) and as he wishes to avoid the annoyance of a lawsuit he has requested me to act as conciliator between you.

You are therefore requested to appear before me or any other conciliator who may be present at my residence, at  
 hour the 18 ,

Made in duplicate at . this . 18 ,

C. D.

*Conciliator,*

---

### FORM B

#### ACT RESPECTING CONCILIATION

These presents witness that (*name and description of the parties*) have this day appeared before me and have settled their differences as follows (*set forth nature of agreement*) ; accordingly I have drawn up the present minute and have signed the same.

The parties have also signed the same first duly read.

Made in duplicate at this 18 .

C. D.

*Conciliator.*

---

### FORM C

#### ACT RESPECTING CONCILIATION

These presents witness that (*name and description of the parties*) summoned before me for conciliation have been unable to come to an agreement (*state whether one of the parties has not appeared*).

Accordingly I have drawn up the present minute and signed the same.

Made in duplicate at this 18

C. D.

*Conciliator.*

---

## CAP. LV

An Act to amend the Municipal Code.

[Assented to 10th March, 1899]

**H**ER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

**1.** The following article is added to the Municipal Code after article 522*b*, as enacted by the act 61 Victoria, chapter 51, section 1 : Art. added to Municipal Code after 522*b*.

**522*c*.** To enter into an agreement with any agricultural society in the limits of the county, by means whereof the society shall apply the whole or part of the subscriptions of its members or public grant which it receives, or of both to the payment of part of the cost of purchasing or working such machines, stone-crushers and rollers." Certain agreements may be entered into with agricultural societies.

**2.** This act shall come into force on the day of its sanction. Coming into force.

## CAP. LVI

An Act to amend article 548 of the Municipal Code.

[Assented to 10th March, 1899]

**H**ER MAJESTY, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

**1.** Article 548 of the Municipal Code is amended by adding the following words : M. C., 548, amended.

"To prohibit the stationing of vehicles near toll-gates upon roads under the control of turnpike road trustees." Vehicles near toll-gates prohibited.

## CAP. LVII

An Act to amend the acts respecting the corporation of the city of Quebec.

[Assented to 10th March, 1899]

**W**HEREAS, the corporation of the city of Quebec has, by petition, represented that it is expedient to amend the various acts which concern it and to add certain other provisions thereto ; Preamble.

Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

## ELECTIONS.

Names to be entered on electoral lists.

**1.** In making out the electoral lists, the assessors shall enter therein only the names of such rate-payers as have paid to the city all their municipal assessments and taxes, or dues whatsoever, before six o'clock in the afternoon of the fifteenth of December, then instant.

51-52 V., c. 78, s. 13, replaced.

**2.** Section 13 of the act 51-52 Victoria, chapter 78, as replaced by section 8 of the act 58 Victoria, chapter 49, is again replaced by the following :

Nominations to be made by requisition.

**"13.** The nomination of candidates shall be by means of a written requisition signed by six or more electors, and deposited in the office of the clerk on the second Monday of February.

Number of seat in requisition.

**"13a.** Such requisition shall specify, by the number of the seat, for which particular seat the candidate is nominated.

Consent of candidate.

**"13b.** Such requisition shall further contain a written consent to the said nomination, which consent shall be signed by the candidate or in his absence by a person who declares that he is thereunto authorized by him.

Declaration to accompany requisition.

**"13c.** Such requisition shall also be accompanied by a solemn declaration, made by the candidate or by another person, attesting that the candidate is the proprietor of the immoveable or immoveables to be described in the solemn declaration ; and that the said immoveable or immoveables are worth the sum of two thousand dollars, over and above the rents, hypothecs or charges upon the said immoveable or immoveables.

Certificate of city-treasurer.

**"13d.** Such requisition shall also be accompanied by a certificate from the city-treasurer establishing that the candidate is not indebted to the said city for assessments, taxes or any dues whatsoever or for any other reason.

Proclamation of only candidate nominated.

**"13e.** If only one candidate be nominated for one seat he shall *de facto* be elected, and it shall be the duty of the city-clerk to at once proclaim him elected by a notice inserted in a French and in an English newspaper published in the city."

## WATER-WORKS.

29 V., c. 57, s. 36, § 19, replaced.

**3.** The act 29 Victoria, chapter 57, section 36, subsection 19, as amended by the act 45 Victoria, chapter 100, section 13, is repealed.

How city is to supply water from main.

**4.** As soon as water from the city water-works is introduced into a street, the city shall supply and lay the water pipe from the main pipe in the street to inside the founda-



tion of the house or building wherein such water is to be distributed, if such house or building be erected on the line of the street, and three feet beyond such line if the said house or building be not on the said line.

5. The city shall afterward maintain the said water pipe, but if the water freeze in it, or if the tap placed in the cellar by the city be damaged through the fault of the proprietor or occupant of the building, and if it be necessary to replace or repair the pipe or tap or to excavate the street to repair the damage, the cost thereof shall be borne by the proprietor.

City to maintain pipe, &c.

6. In the case of immoveable properties wherein water from the water-works is not introduced, the tax for the said water shall be three cents in the dollar on the annual assessed value of such properties.

Amount of tax on immoveables when water is not introduced.

7. In the case of immoveable properties wherein water from the water-works has been introduced, the tax for such water shall be twelve and a half cents in the dollar on the annual assessed value of such properties, whether the proprietors thereof consent or do not consent to receive the said water or to make use of the same.

Amount of tax on immoveables into which water has been introduced.

8. The said tax for water from the water-works is over and above the special taxes which have been or may be imposed for the use of the water for animals or for other purposes established by law or by the by-laws of the city council.

Such taxes to be in addition to certain special taxes.

9. At the same time that the water is introduced into a street, the city shall also lay the drains therein, including the pipes between the main sewer in the street and the buildings, as in the case of the water-pipe.

Drainage pipes.

10. If, after the laying of the lateral drains, it should become necessary for any reason whatsoever to excavate a street for the purpose of repairing or replacing them, no such excavation shall be made by a citizen until he has first obtained permission from the manager of the water-works and it shall be made at the expense of such citizen, unless it be established by the manager of the water-works, after being put in default so to do, that such repairs are rendered necessary through some cause arising from the main sewer in the street.

Permission required before repairing lateral drains, &c.

#### LOANS.

11. The city of Quebec is hereby authorized to borrow a sum not exceeding two hundred and fifty thousand dollars to pay the cost of the work to be done and the rights and properties to be acquired for opening, extending, widening,

Authority to borrow certain sum for certain purposes.

repairing and paving streets and public squares, for hydrants, public works in connection with the aqueduct, retaining walls and other permanent improvements.

Certain other sum.

The city is also authorized to borrow a further sum, not exceeding fifty thousand dollars, to provide for the settlement of unadjusted accounts between it and the Government of this Province, if necessary, or for other claims.

Issue of bonds for loan, &c.

**12.** For the purpose of effecting the said loan, the city is authorized to issue bonds as it may deem necessary for the object above-mentioned, which bonds shall be for such amount as the city may deem expedient, and they shall be payable within a period not exceeding sixty-five years from their date with interest at a rate not exceeding four per cent per annum.

How to be issued.

**13.** The said bonds shall be issued and registered in accordance with the formalities required for the bonds which the city has heretofore been authorized to issue.

Payment of bonds.

**14.** At the same time as the interest, the city shall pay on the capital of the said bonds every half year a sufficient amount, so that when each bond shall become due the capital thereof will have been paid. The said bonds may also be made payable at maturity or in such other manner as the city may deem expedient.

Subscription to Great Northern Railway Co., authorized.

**15.** The city of Quebec is hereby authorized to subscribe and take two thousand shares of one hundred dollars each in the capital stock of the Great Northern Railway Company, the said shares to be payable by means of bonds which the city is authorized to issue.

When bonds to be delivered, &c.

**16.** The said bonds shall be delivered to the company in the manner, on the conditions and at the time stipulated in a certain deed of agreement between the city and the said company, passed at Quebec on the 22nd July, 1898, before Joseph Allaire, notary.

Bonds how payable, &c.

**17.** The said bonds shall be for such amounts as the city may agree upon with the said company, shall be payable in thirty years from the date of their issue and shall bear annual interest at the rate of three and a half per cent payable half yearly by means of coupons attached to the said bonds.

60 V., c. 59, s. 9, replaced.

**18.** Section 9 of the act 60 Victoria, chapter 59, is replaced by the following:

Subscription to bridge at Quebec over St. Lawrence.

**"9.** The city of Quebec is also authorized to borrow a sum, not exceeding five hundred thousand dollars, to aid, either by a bonus, or by subscription of stock or otherwise, the building of a bridge over the River St. Lawrence, between

the town of Levis and the city of Quebec, or at a place near the city, the whole upon the conditions and in the manner and proportion which the city council shall establish."

#### MISCELLANEOUS PROVISIONS.

**19.** Whenever a company authorized by law so to do, wishes to put up or erect in the streets or public squares or on grounds belonging to the city or of which the city has the enjoyment or possession, any poles for sustaining or supporting electric wires or cables or for any other purposes, such company shall, to do so, be previously authorized, by resolution, of the city council, and, in addition, shall cause the city-surveyor to indicate to it in what streets and at what particular spot in any street or public square or other grounds as aforesaid the said poles may be put up or erected; and every pole, so put up or erected without such indication or elsewhere than at the spot indicated, may be considered by the municipal authority as a public nuisance.

How and under what conditions poles, &c., may be placed in the streets.

Nothing in this section contained shall affect acquired rights.

Acquired rights.

**20.** The tax of twenty-five cents per pole which the city is authorized to levy under the act 61 Victoria, chapter 52, section 18, is leviable upon each pole put up or erected within the limits of the city in the streets or at other public places.

How certain tax on poles is leviable.

**21.** The city is authorized to adopt, by by-law, such means as it may deem expedient to compel the incorporated companies, which erect poles within the limits of the city, to paint and place certain marks thereon, indicating to what company they belong, and to suppress the poles not in accordance with the conditions required by such by-law.

Painting, &c., on poles, &c.

**22.** The city is authorized to pass a by-law to fix and also to prevent the too prolonged stoppage of locomotives or cars in front of stores or sheds or in other parts of the streets and to impose a punishment in the manner provided by law for every infringement of such by-law.

Running railway cars, &c., through streets.

**23.** Section 5a of the act 50 Victoria, chapter 57, as 50 V., c. 57, enacted by section 20 of the act 58 Victoria, chapter 49, is replaced by the following :

s. 5a, replaced.

"5a. Nevertheless, the council may, by by-law to that effect, exact for a peddler's license a sum not exceeding five hundred dollars, and exact from peddlers not residing in the city a sum different from that exacted from peddlers residing therein.

Peddlers' licenses.

The council may also, by by-law, compel peddlers to procure from the city-clerk a number or medal which they must wear so as to be visible."

Number, &c., for peddlers, &c.

29 V., c. 57,  
s. 29, § 42, par.  
2, replaced.

**24.** Paragraph two of subsection 42 of section 29 of the act 29 Victoria, chapter 57, as replaced by section 7 of the act 59 Victoria, chapter 47, is again replaced by the following:

Sales of meat,  
by farmers, on  
the markets.

"But farmers may sell on the said markets, by complying with the by-laws of the city, all kinds of meat, either by the carcase or by the quarter, being the yield of animals raised on their lands or farms, or owned by them for three months, or the produce of their hunting; and, in all suits brought for violation of the provisions of this subsection, the corporation shall not be required to prove that the defendant has sold, offered or exposed for sale, meat not being that of animals raised on his land or farm or the produce of his hunting. In such suits the defendant and his wife shall be competent witnesses, and, if the action be dismissed, the city shall pay the expenses of the witnesses and the cost of summoning them."

59 V., c. 47,  
s. 30, amend-  
ed.

**25.** The act 59 Victoria, chapter 47, section 30, is amended by replacing the words: "without prejudice to the act 54 Victoria, chapter 12" in the first and second lines, by the words: "saving rights acquired under the act 54 Victoria, chapter 12."

Act to form  
part of acts  
amended.

**26.** This act shall be deemed to form part of the acts which it amends.

Coming into  
force.

**27.** This act shall come into force on the day of its sanction.

### CAP. LVIII

**An Act to revise and consolidate the charter of the city of Montreal.**

[Assented to 10th March, 1899.]

Preamble.

**WHEREAS** it is expedient to revise and consolidate the provisions of the several acts of the Legislature of the Province of Quebec, relating to the city of Montreal: Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

#### SECTION I

#### INTERPRETATIVE PROVISIONS

Interpreta-  
tion of:

**1.** Whenever the following words occur in this act, they shall, unless the context otherwise requires, be understood as follows:

- (a) The word "council" shall mean the council of the city Council ;  
of Montreal ;
- (b) The word "city", and the word "corporation" shall City ; corpor-  
mean the city of Montreal ; ration ;
- (c) The word "mayor" shall mean the mayor in office Mayor ;  
or the acting mayor of the city of Montreal and the word  
"aldermen" shall mean the aldermen of the said city ; Aldermen
- (d) The words "city-clerk, city-treasurer, city-surveyor, City-clerk,  
or city buildings' inspector," shall mean the clerk, treasurer, &c.  
surveyor, inspector of buildings of the city of Montreal or  
their assistants or any officer duly appointed to replace them ;
- (e) The words "recorder's court" shall mean the record- Recorder's  
er's court of the city of Montreal, whether composed of one court ;  
or more recorders, and the words "recorder" or "recorders" Recorder ;  
shall mean the recorder or recorders of the city of Montreal ; Recorders ;
- (f) The words "rate-payer" shall mean any person liable Rate-payer ;  
to the payment to the city of any assessment or tax, inclu-  
ding water-rate ;
- (g) The word "proprietor" shall mean any person who Proprietor ;  
possesses immovable property in his own name as proprietor,  
as usufructuary, or as institute in cases of substitutions ;
- (h) The word "occupant" shall mean any person who Occupant ;  
occupies an immovable in his own name, otherwise than as  
proprietor, usufructuary as institute, and who enjoys the  
revenues derived from such immovable ;
- (i) The word "tenant" shall mean any person who is Tenant ;  
bound to pay rent in money or to give part of the fruits and  
revenues of the immovable which he occupies. A tenant  
must be a resident householder, saving the case of the lessee  
of a store, shop, office or place of business ;
- (j) The word "assessment" shall mean the rates levied Assessment ;  
annually upon immovable property in the city generally ;
- (k) The words "special assessment," or "apportionment," Special as-  
shall mean the assessment levied, from time to time, upon sesment ;  
certain properties for special improvements ; Apportion-  
ment ;
- (l) The word "tax" shall mean the personal rate or Tax ;  
license fee levied upon any trade, business, profession or  
occupation generally ;
- (m) The words "water-rates" shall designate the price Water-rates.  
or value of water supplied by the city, as fixed under the  
provisions of this act or of any by-law passed in virtue  
thereof ;
- (n) The words "Superior Court" mean the Superior Superior  
Court sitting in and for the district of Montreal ; Court ;
- (o) The words "list of electors" shall mean the municipal List of elect-  
list of electors. ors ;
- (p) The words "lane" or "alley" shall include all lanes Lane ; alley  
which are not enclosed at both ends from public view.
2. Every reference to an article, without any indication of References to  
the act of which such article forms part, is deemed to be articles with-  
a reference to an article of this act. out indica-  
tion.

Application  
of preceding  
article.

**2.** The above clauses apply equally to the interpretation of any by-law of the city and to the provisions of this charter.

Application  
of certain ar-  
ticles of R. S.

The provisions of section fifth of chapter two of the preliminary title of the Revised Statutes of the Province of Quebec containing certain declaratory and interpretative provisions, shall apply to this act, except in so far as the same may be inconsistent therewith.

Name of act.

**3.** This act shall be cited as the "Charter of the city of Montreal."

#### SECTION II

#### INCORPORATION

Persons in-  
corporated.

Name and  
general  
powers.

Power to hold  
property, &c.

**4.** The inhabitants and rate-payers of the city of Montreal, and their successors, shall continue to be a municipal corporation known and described by and under the name of "The City of Montreal," and as such shall have perpetual succession, and a corporate seal, with all the powers of legislation, control and administration commonly possessed by municipal corporations, and in addition thereto all powers specially granted to the said city by law and by the provisions of this act. The city of Montreal shall moreover have power to accept, take, purchase, and hold goods and chattels, lands and tenements, moveables and immoveables and to grant, sell, alienate, assign, and convey the same; and to grant, and accept bonds, or other instruments or securities, for the payment, or securing the payment of any money due by or to the city of Montreal, and to use and put in operation all other powers that may be necessary for the just and proper fulfilment and performance of its obligations, and functions.

#### SECTION III

#### BOUNDARIES AND JURISDICTION OF THE CITY

Limits of the  
city of Mont-  
real.

**5.** The territory of the city of Montreal is comprised within the following boundaries and limits:

On the southwest by a line commencing at a point in the river St. Lawrence on the boundary of the village of Verdun, at about 1750 feet southeast of the Lower Lachine road, and running northwesterly through lot official number 3261 of the parish of Montreal, parallel to and at a distance of 298 feet from the southwest limit of said lot number 3261 to the centre of the Lower Lachine Road, thence towards the northeast, along the centre of said road a distance of 58 feet, to the prolongation of the southwest limit of the Montreal water-works' tail-race, thence towards the northwest, along said limit lastly mentioned to the southwest side of the settling

basin of the Montreal water-works ; thence towards the north, along the said last mentioned side, to the northwest side of said basin ; thence toward the southwest, along said northwest side of said basin, a distance of about 120 feet ; thence towards the northwest, along a line perpendicular to the northwest side of said settling basin, to the southern limit of lot official number 3410 of the parish of Montreal ; thence towards the east, along last mentioned limit, to the prolongation of the western alignment of Atwater avenue ; thence towards the north, along said alignment, crossing the Grand Trunk Railway, to the northeast limit of said railway ; thence to the northwest, along the last mentioned limit, to the centre of the Lachine Canal ; thence to the northeast, along the said centre line of the Lachine Canal, to the southeast extremity of the division line between the city of Montreal and the city of Sainte-Cunegonde ; thence towards the northwest, along the said division line, coinciding with the northeast limit of lots official numbers 2508, 556, 557, 555, 554, 508, 509, 507, 506, 466, 467, 465, 464, 461, 460, 432, 433, 431, 430, 407, 408, 406-10, 406-9, 406-8, 404-9, 404-8, 403-1, 403-2, 394, 395-1, 395-2, 395-3, 396-3, 393-1, 393-2, 393, 392-2, 392-1, 392-3, 391-3, 391-5, 387-4, 386-1, 386-2, 386-6, 386-124, 386-137, 386-138, 386-139, 386-140, 4709, 386-141, 386-196, 386-197, 386-198, 386-199, 386-201, 386-202, 386-203, 386-204, 386-205, 386-214, 386-215, 386-216, 386-217, 386-218, 386-219, of the parish of Montreal, to the prolongation of the northwest alignment of Dorchester street ; thence, still towards the northwest, along the division line between the city of Montreal and the town of Westmount, said line coinciding with the northeast limit of lots official numbers 381, 378, 377 and 376 of the parish of Montreal, to the southeast limit of lot official number 170 of the village of La Côte des Neiges ; thence towards the northeast, along said last mentioned limit extended across Côte des Neiges Road, to its northern alignment ; thence to the northwest, along said alignment, to the southeast limit of lot official number 3 of the village of La Côte des Neiges ; thence, along an irregular line separating said lot number 3 from lot number 1 of said village ; thence towards the northeast, along the southeast limit of lot official number 4 of said village ; thence towards the northwest, along the northeast limit of said lot number 4 ; thence towards the northeast, along the southeast limit of lot official number 5 of said village ; thence towards the northwest, along the northeast limits of lots official numbers 5, 6, 7 and 8 of said village, to the entrance of Mount Royal Cemetery ; thence, along the irregular line which separates the said cemetery from Mount Royal Park, to the private road connecting Mount Royal Avenue with the said cemetery ; thence towards the northeast, along the southeast alignment of the said private road, to the intersection of Mount Royal Avenue with Côte Ste. Catherine

Road; thence towards the northeast, along the centre of Mount Royal Avenue, to its intersection with the centre of Carrières street; thence towards the northwest along said centre line of Carrières street to its western alignment, coinciding with the eastern limit of lot official number 166 of the village of La Côte St. Louis; thence to the northwest, along the division line between the town of St. Louis du Mile End and the city of Montreal, running through lot number 166 of the village of La Côte St. Louis, and coinciding with the northeast limit of lots official numbers 167-23, 167-22, 167-21, 167-20, 167-19, 167-18, 167-17, 167-16, 167-15, 167-14, 167-13, 167-12, 167-11, 167-10, 167-9, 167-8, 167-7, 167-6, 167-5, 167-4, 167-3, 167-2, 167-1, extending through lots official numbers 168 and 170; thence continuing along the same straight line, coinciding with the northeast limit of lots numbers 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188 and 189; thence running through lot official number 190-3 and extending along the northeast limit of lots official numbers 190-5, 190-6, 190-7, 190-8, 190-9, 190-10, 190-11, 190-12, 190-13, 190-14, 190-15, 190-16; thence running through lots official numbers 190-30, 190-32, 190-34; thence along the northeast limits of lots official numbers 190-36, 190-37, 190-38, 190-39, 190-40, 190-41, 190-42, 190-43, 190-44, 190-45, 190-46, 190-47; thence along the same straight line through lots official numbers 190-61, 190-63, 8, 8', of said village and the Canadian Pacific Railway, to its northwest limits; thence running along the same straight line, parallel to and at a distance of 14 feet from the southwest alignment of Cowan street through lots official numbers 8-1, 8-2, 8-3, 8-4, 8-5, 8-6, 8-7, 8-8, 8-9, 8-10, 8-11, 8-12, 8-13, 8-14, 8-15, 8-16, 8-17, 8-18, 8-19, 8-20, 8-21, 8-22, 8-23, 8-24, 8-25, 8-26, 8-27, 8-28, 8-29, 8-30, 8-31, 8-32, 8-33, 8-34, 8-35, 8-36, 8-37, 8-38, 8-39, 8-40, 8-41, 8-42, 8-43, 8-44, 8-45, 8-46, 8-47, 8-48, 8-49, 8-50, 8-51, 8-52, 8-53, 8-54, 8-55, 8-56, 8-57, 8-58, 8-59, 8-60, 8-61, 8-62, 8-63, 8-64, 8-65, 8-66, 8-67, 8-68, 8-69, 8-70, 8-71, 8-72, 8-73, 8-74, 8-75, 8-76, 8-77, 8-78, 8-79, 8-80, 8-81, 8-82, 8-83, 8-84, 8-85, 8-86, 8-87, 8-88, 8-89, 8-90, 8-91, 8-92, 8-93, 8-94, 8-95, 8-96, 8-97, 8-98, 8-99, 8-100, 8-101, 8-102, 8-103, 8-104, 8-105, 8-106, 8-107; thence along the same straight line, through lots numbers 9-68, 9-69, 9-70, 9-71, 9-72, 9-73, 9-74, 9-75, 9-76, 9-77 of the village of La Côte St. Louis and through Sanguienet street, (lot official number 9-67), to a point situate at about 460 feet north of the northwest limit of lot official number 8-107; thence to the northeast, along the division line between the city of Montreal and the parish of St. Laurent, the said line being almost perpendicular to the limits lastly described, to the southwest limit of lot official number 2628 of the parish of St. Laurent; thence towards the southeast, along the limit of said last mentioned lot, to the southeastern limit of the said lot number 2628; thence towards the northeast, along



the southeast limit of lots official numbers 2628 and 2629 of said parish, to the northeast limit of lot official number 2629 of the same parish; thence towards the northwest, along the limit lastly mentioned, to the southeast limit of lot official number 489-1 of the parish of Sault au Recollet; thence towards the northeast, along the division line between the city of Montreal and the parish of Sault au Recollet and coinciding with the southeast limit of lots official numbers 489-1, 489-12, 489-13, 489-24, 489-25, 489-37, 489-180, to the southwest limit of lot official number 488-74 of the said parish; thence towards the southeast along the southwest limit of lots official numbers 488-74, 488-73, 488-32, 488-31, 488-1, to the southeast limit of the said lot official number 488-1; thence towards the northeast, along the southeast limits of lots official numbers 488-1, 488-2b, 488-2a, 488-167, 488-168, 488-197, 488-198, 488-476, 488-477, 488-506, 488-507, 488-765, 488-776, 488-791, 485, 484, 483, and 482, of the parish of Sault au Recollet, to the southwest limit of lot official number 210 of the village of La Côte de la Visitation; thence towards the southeast, along the division line between the city of Montreal and the village of La Côte de la Visitation, coinciding with the southwest limit of said lot official number 210, to the Côte de la Visitation road; thence always toward the southeast, following the centre line of Papineau Avenue, as far as the prolongation of the southeastern limit of official lot number 154 of the said village of Côte de la Visitation (De Lorimier village); thence, to the northeast, following the line dividing the city of Montreal from De Lorimier village, coinciding with the southeastern limit of official lots numbers 154, 155, 153, 152, 11 and 10 of the said village, to the northeastern limit of official lot number 10 of the said village; thence towards the northwest, following the limit lastly described, to the southeast limit of lot official number 9; thence to the northeast, along the limit lastly mentioned, to the southwestern limit of lot number 7 of the said village; thence, to the southeast, following the limit lastly mentioned, to the southeastern limit of the same lot, thence, to the northeast, following the limit lastly mentioned and the southeast limit of official lot number 1 of the said village, to the northeast limit of the said lot of the said village, (the part of Rachel street, between Papineau avenue and the northeast of De Lorimier village, as well as that part of De Lorimier avenue running from the northwest limit of the city to Rachel street, to form part of the city of Montreal for municipal purposes); thence towards the northwest, along the northeast limits of lots official numbers 1, 2, 2a, 2b, 3, 4, 5 and 6 of the said village, to the eastern alignment of the Côte de la Visitation Road; thence towards the north, along the said alignment, to the southwest limit of lot official number 172 of said village; thence towards the south-

east, along the said last mentioned limit, to the south-east limit of lot official number 172; thence towards the northeast, southeast and northwest, along a broken line forming the southeast, northeast and northwest limits of lot official number 172, to the southwest limit of lot official number 173 of the said village; thence, in a straight line extending towards the northeast, along the southeast limits of lots official numbers 173 and 176 of the said village, to the southwest limit of lot official number 177; thence towards the northeast and the southeast, along a broken line which forms the southeast and part of the southwest limit, to the southwest limit of lot official number 178 of said village; thence to the northeast, along the southeast limit of lots official numbers 178, 179, 180 and 181 of the said village, to the southwest limit of lot official number 18 of the village of Hochelaga (now the town of Maisonneuve); thence towards the southeast, along the division line between the city of Montreal and the town of Maisonneuve, coinciding with the limit lastly mentioned and the southwest limit of lots official numbers 18-88, 18-87, 18-67*a*, 18-66*a*, 18-66, 18-62, 18-60*c*, 18-61, 18-17 and 18-14 of the Village of Hochelaga, prolonged, to the southeast alignment of Notre-Dame street; thence in the same direction, and following the southwest limit of lot official number 20 of the said village, to the centre of the river St. Lawrence; thence turning towards the southwest, and following the centre of the river, to the point of departure.

Certain is-lands in city. St. Helen's Island, Ile Ronde and Ile Verte are comprised within the limits of the city.

**Jurisdiction of the city for municipal and police purposes. &c.** 6. The city of Montreal shall have jurisdiction for municipal and police purposes and for the exercise of all the powers conferred upon it by this charter, over the whole extent of its territory and also beyond its territory in those cases where special authority is conferred upon it. The jurisdiction of the city for municipal and police purposes shall extend to the centre of the river St. Lawrence opposite the city.

#### SECTION IV

#### WARDS OF THE CITY

**Division into wards. Names of wards.** 7. The city of Montreal is divided into seventeen wards respectively called: East, Centre, West, St. Ann, St. Antoine South, St. Antoine West, St. Antoine East, St. Lawrence, St. Louis, St. James South, St. James North., St. Mary West, St. Mary East, Hochelaga, St. Jean-Baptiste, St. Gabriel, St. Denis; and each of said wards is comprised within the following boundaries and limits:

**Boundaries of:**

1 East Ward is bounded as follows :

East Ward :

From the intersection of Craig and Lacroix streets, extending along the middle of Lacroix street and the prolongation of Lacroix street as far as the river St. Lawrence ; on the southeast by that part of the river St. Lawrence, situate opposite to and extending from the prolongation of Lacroix street to St. Gabriel street ; on the southwest, by a line extending along the centre of St. Gabriel street, from the river St. Lawrence to Craig street ; on the northwest, by a line extending along the centre of Craig street, from St. Gabriel street to the centre of Lacroix street.

2. Centre Ward is bounded as follows :

Centre Ward :

On the northeast by a line extending along the centre of St. Gabriel street, from Craig street to the river St. Lawrence ; on the southeast by that part of the river St. Lawrence situate opposite to, and extending from St. Gabriel street to Callières street ; on the southwest by a line extending along the centre of Callières street and St. Francis Xavier street, from the river St. Lawrence to Craig street ; on the northwest by a line extending along the centre of Craig street, from St. Francis Xavier street to St. Gabriel street.

3. West Ward is bounded as follows :

West Ward ;

On the northeast by a line extending along the centre of St. Francis Xavier street and Callières street, from Craig street to the river St. Lawrence ; on the southeast by that portion of the river St. Lawrence situate opposite to and extending from Callières street to McGill street ; on the southwest by a line extending along the centre of McGill street, and of the street running along the northeast side of Victoria Square, from the river St. Lawrence to Craig street ; on the northwest by a line extending along the centre of Craig street, from Victoria Square to St. Francis Xavier street.

4. St. Ann's Ward is bounded as follows :

St. Ann's  
Ward ;

On the northeast by a line extending along the centre of McGill street, from Notre-Dame street to the river St. Lawrence ; on the southeast by that portion of the river St. Lawrence situate opposite to and extending from McGill street to the former southwestern boundary of the city ; on the southwest by a line extending along the former southwestern boundary of the city, from the river St. Lawrence to Notre-Dame street ; on the northwest by a line extending along the centre of Notre-Dame street from the southwestern boundary of the city to McGill street.

5. St. Antoine Ward South is bounded as follows :

St. Antoine  
Ward South ;

On the northwest by the centre of St. Antoine street from the southwestern boundary of the city of Montreal (described in this charter) as far as Craig street and follow-

ing the centre line of the latter as far as Victoria Square, thence along the centre of the street which runs along the northeast side of Victoria Square and along the centre of McGill street from Craig street to Notre-Dame street; on the southeast by a line following the centre of Notre-Dame street, from McGill street to the southwestern boundary of the city of Montreal; thence following the said southwestern boundary lastly mentioned, from Notre-Dame street to St. Antoine street, at the point of departure.

St. Antoine  
Ward West;

6. St. Antoine Ward West is bounded as follows:

On the northeast by a line following the prolongation of the centre of Mountain street, from the southeastern boundary of Mount Royal Park as far as St. Antoine street; thence along the centre of St. Antoine street, from Mountain street to the southwestern boundary of the city of Montreal as described in this charter; thence along the said boundary of the city from St. Antoine street to the southeastern boundary of Mount Royal Park; thence towards the northeast following the southeastern boundary of Mount Royal Park lastly mentioned to the prolongation of the centre of Mountain street, at the point of departure. Mount Royal Park is comprised in this ward.

St. Antoine  
Ward East;

7. St. Antoine Ward East is bounded as follows:

On the northeast by a line following the centre of Durocher street from the boundary of Mount Royal Park, as indicated on the plan mentioned in the act of the Legislature of Quebec, 35 Victoria, chapter 32, section 6, as far as Sherbrooke street; thence along the centre of Sherbrooke street, from Durocher street to City Councillors' street; thence along the centre of City Councillors' street, from Sherbrooke street to St. Catherine street; thence along the centre of St. Catherine street, from City Councillors' street to St. Alexander street; thence along the centre of St. Alexander street, from St. Catherine street to Craig street; thence along the centre of Craig street and of St. Antoine street, from St. Alexander street to Mountain street; thence along the centre of Mountain street, from St. Antoine street as far as the southeastern boundary of Mount Royal Park; thence following the boundary of Mount Royal Park, from the prolongation of the centre line of Mountain street to the middle of Durocher street, at the point of departure.

St. Louis  
Ward:

8. St. Louis Ward is bounded as follows:

On the northeast by a line extending along the centre of St. Denis street, from the former northwestern boundary of the city to Craig street; on the southeast by a line extending along the centre of Craig street, from St. Denis to St. Lawrence street; on the southwest by a line extending along the centre of St. Lawrence street, from Craig

street to the former northwestern boundary of the city; on the northwest by a line extending along the former northwestern boundary of the city, from St. Lawrence street to St. Denis street.

9. St. Lawrence ward is bounded as follows:

St. Lawrence  
Ward;

On the northeast by a line extending along the centre of St. Lawrence street, from the former northwestern boundary of the city to Craig street; on the southeast by a line extending along the centre of Craig street, from St. Lawrence street to St. Alexander street; on the southwest by a line extending along the centre of St. Alexander street, from Craig street to St. Catherine street; thence along the centre of St. Catherine street, from St. Alexander street to City Councillors' street; thence along the centre of City Councillors' street, from St. Catherine street to Sherbrooke street; thence along the centre of Sherbrooke street, from City Councillors' street to Durocher street; thence along the centre of Durocher street, from Sherbrooke street to the southeastern boundary line of Mount Royal Park, as indicated on the plan mentioned in the act of the Legislature of Quebec 35 Victoria, chapter 32, section 6; on the northwest by a line extending along the Mount Royal Park boundary line, as shown on the plan above-mentioned, from the northwestern extremity of Durocher street to a point northeast of Park avenue where the said Mount Royal Park boundary line intersects the former northwestern boundary of the city; thence along the former northwestern boundary of the city from Mount Royal Park to St. Lawrence street.

10. St. Mary Ward West is bounded as follows:

St. Mary  
Ward West;

On the northeast by a line extending along the centre of De Lorimier avenue from the former northwestern boundary of the city of Montreal to the river St. Lawrence; on the southeast by that part of the river St. Lawrence situate opposite to and extending from the prolongation of De Lorimier avenue to Barclay street; on the southwest by a line extending along the centre of Barclay street, from the river St. Lawrence to Notre-Dame street; thence along the centre of Notre-Dame street, from Barclay street to Visitation street; thence along the centre of Visitation street, from Notre-Dame street to the former northwestern boundary of the city of Montreal; and on the northwest by the said former boundary of the city from Visitation street to De Lorimier avenue, at the point of departure.

11. St. Mary Ward East is bounded as follows:

St. Mary  
Ward East;

On the northeast, by a line extending along the centre of Iberville street, from the prolongation of the former northwestern boundary of the city to the river St. Lawrence; on the southeast, by that part of the river St. Law-

rence, situate opposite to and extending from Iberville street to the prolongation of DeLorimier Avenue ; on the southwest, by a line extending along the centre of DeLorimier avenue, from the river St. Lawrence to the former northwestern boundary of the city of Montreal ; on the northwest, by the former northwestern boundary of the city to Iberville street, at the point of departure.

- St. James  
Ward South ;

12. St. James Ward South is bounded as follows :

On the northeast by a line following the centre of Visitation street and extending from de Montigny street to Notre-Dame street ; thence following the centre of Notre-Dame street, from Visitation street, to Barclay street ; thence along the centre of Barclay street, from Notre-Dame street to the river St. Lawrence ; on the southeast by that part of the river St. Lawrence situate opposite to and extending from Barclay street to the prolongation of Lacroix street ; on the southwest by a line extending along the centre of the prolongation of Lacroix street, from the river St. Lawrence to Craig street ; thence along Craig street, from Lacroix street to St. Denis street ; on the southwest by a line extending along the centre of St. Denis street, from Craig street to De Montigny street ; on the northwest by a line following the centre of De Montigny street, from St. Denis street to Visitation street, at the point of departure.

St. James  
Ward North ;

13. St. James Ward North is bounded as follows :

On the northeast by the prolongation of the centre and afterwards by the centre of Visitation street, from the former northwestern boundary of the city of Montreal to De Montigny street ; on the southeast by the centre of De Montigny street, from Visitation street to St. Denis street ; on the southwest by the centre of St. Denis street from De Montigny street to the former northwestern boundary of the city ; and on the northwest by the former northwestern boundary of the city, from St. Denis street to the intersection of the said northwestern boundary with the prolongation of the centre of Visitation street, at the point of departure.

Hochelaga  
Ward ;

14. Hochelaga Ward is bounded as follows :

On the northeast by the northeastern boundary of the city ; on the southeast by that portion of the river St. Lawrence situate opposite to, and extending from the northeastern limit of the city to Iberville street ; on the southwest by a line extending along the centre of Iberville street, from the river St. Lawrence to a point where such line intersects the prolongation of the former northwestern boundary of the city ; thence along the line along Iberville street, which divides the city from the municipality of De Lorimier, from the intersection above-mentioned

to the northwestern boundary of the city ; on the northwest by that portion of the northwestern boundary of the city between the municipality of DeLorimier and the northeastern boundary of the city.

15. St. Jean-Baptiste Ward is bounded as follows :

St. Jean-Baptiste Ward ;

On the northeast by the boundary line along Papineau Avenue dividing the city from the municipality of DeLorimier, from Mount Royal Avenue to the former northwestern boundary of the city ; on the southeast by a line extending along the former northwestern boundary of the city, from Papineau Avenue to Mount Royal Park boundary line, as indicated on the plan mentioned in the act of the Legislature of the Province of Quebec, 35 Victoria, chapter 32, section 6 ; on the southwest by the northeastern boundary of Mount Royal Park, as indicated on the plan above-mentioned, from the former northwestern boundary of the city to Mount Royal Avenue ; on the northwest by a line extending along the northwestern boundary of the city, from Esplanade Avenue to Carrières street, thence along the centre of Mount Royal Avenue from Carrières street to Papineau Avenue.

16. St. Gabriel Ward is bounded as follows :

St. Gabriel Ward ;

On the northeast by a line extending along the former southwestern boundary of the city, from the centre of Lachine Canal to the river St. Lawrence ; on the southeast by that portion of the river St. Lawrence situate opposite to and extending from the former southwestern boundary of the city to the present southwestern boundary of the city ; on the southwest by a line extending along the southwestern boundary of the city, the said boundary being the division line between the city and the municipalities of Verdun and Côte St. Paul, from the river St. Lawrence to the centre of Lachine Canal ; on the northwest by a line extending along the centre of Lachine Canal, from the municipality of Côte St. Paul to the former southwestern boundary of the city, the latter line forming part of the present southwestern boundary of the city.

17. St. Denis Ward is bounded as follows :

St. Denis Ward.

On the northeast by a line extending along the boundary line between the city and the municipalities of Petite Côte and DeLorimier, from the division line between the city and Côte St. Michel to Mount Royal Avenue ; on the southeast by a line extending along Mount Royal Avenue, from Papineau Avenue to Carrières street ; on the southwest by the boundary line between the city and the municipality of the town of St. Louis ; on the northwest by that part of the northwestern boundary of the city, which is the boundary line between the city and the parishes of

St. Laurent and Saulx au Recollet ; the whole in accordance with the plan of the city to be prepared in virtue of this charter.

## SECTION V.

## ANNEXATION OF MUNICIPALITIES

City limits may be extended by by-law.

8. It shall be lawful for the city council, by the affirmative vote of the absolute majority of its members, to make by-laws to extend the city limits, by annexing to the city, for all municipal purposes, any contiguous city, town, village or municipality or part thereof.

Contents of by-law, &c.

Every such by-law shall contain a complete description of the territory to be annexed, with a plan thereof showing its area and boundaries, and also set forth the terms and conditions upon which it shall be so annexed, and shall determine whether the territory so annexed shall form a ward by itself, or be wholly or in part annexed to any existing ward or wards of the city.

By-law requires approval of council of municipality affected, and of electors who are proprietors.

9. Before the third reading and final passing thereof by the city council, such by-law must have been approved of by the council of the municipality affected thereby, and have been sanctioned by the electors who are proprietors in the said municipality or part of a municipality, as the case may be, in the manner set forth in the following provisions.

Publication of by-law, &c., and of notice that it will be submitted for approval on certain date.

10. A copy of such by-law shall be published once a week for one month in two English and two French newspapers in the city, and shall also be posted up at the door of the city-hall, at the door of the parish church of the municipality interested, at the door of the hall or building in which the council of such municipality usually holds its meetings, and in at least six other public places in the said municipality, or part of a municipality, as the case may be,—with a notice signed by the city-clerk, certifying that it is a true copy of the original by-law which will be taken into consideration by the city council, after the expiration of thirty days from the date of the last publication thereof, as aforesaid ; and stating that, on a day and hour, and at a place in the said municipality, or part of a municipality, as the case may be, to be fixed by the mayor of the city, and named and designated in the notice, such day not being less than fifteen, nor more than twenty days after such last publication, a general meeting of the electors, who are proprietors in the said municipality or part of a municipality, as the case may be, will be held for the purpose of considering such by-law, and approving or disapproving of the same.



**11.** At such meeting, the mayor of the municipality in which it is held shall preside or in his absence or refusal to act, some other person to be chosen by the meeting, who shall be a member of the council of such municipality if any such is present at such meeting, and is willing to act.

Who shall  
preside at  
meeting.

The secretary-treasurer of such municipality shall attend at such meeting and have with him the assessment rolls and list then in force of the electors who are proprietors in the said municipality, or a certified copy thereof, and shall act as secretary.

Secretary-  
treasurer to  
attend.

The only question to be determined at such meeting shall be whether the majority of the qualified electors being proprietors in the said municipality, or part of a municipality, as the case may be, present at the said meeting, do or do not approve of the by-law.

Question to be  
decided.

**12.** When the question has been put, the person presiding shall declare whether, in his opinion, the majority of the said electors are for the approval or disapproval of the by-law; and his decision, if not appealed from, within an hour shall be final, and, within eight days thereafter, shall be communicated to the mayor of the city of Montreal, by a certificate under the hand of the secretary of the meeting.

Declaration  
by president  
after putting  
the question.

**13.** Any five of the electors present at any such meeting may appeal from the decision of the person presiding, and demand a poll, and such poll shall be granted by the person presiding at the meeting, and shall be immediately taken by him, the secretary-treasurer of the municipality acting as poll-clerk.

Poll may be  
demanded.

**14.** Each of the electors shall then present himself in turn to the person presiding, and shall give his vote "yea," or "nay," the word "yea" meaning that he approves of the proposed by-law, and the word "nay," that he disapproves of the same; but no person's vote shall be received unless he appears by the assessment rolls and electors' list to be an elector in the said municipality, or part of a municipality, as the case may be, duly qualified to vote as a proprietor of immoveable property therein.

Votes how  
polled.

**15.** If, at five o'clock in the afternoon on the day of the meeting, the votes of all the electors present have not been registered, the presiding officer shall adjourn the voting to the following day at ten o'clock in the forenoon, and the voting shall then be continued as on the first day and shall be closed at five o'clock in the afternoon of the said second day.

Polling may  
be continued  
on following  
day in certain  
cases.

If at any time, on the first or second day, an hour elapses without a vote being offered, the poll shall be closed.

Poll may be  
closed in cer-  
tain event.

Proviso.

tract shall be legal and valid as if signed and approved by him, subject, nevertheless to any special provisions of this charter by which a specified majority of the council is required for the approval of any by-law, resolution obligation or contract, or where the approval of the mayor is specially required.

Mayor a justice of the peace.  
His salary.

**24.** The mayor shall be *ex officio* a justice of the peace for the city and district of Montreal, and shall be entitled to receive out of the funds of the city a salary not exceeding four thousand dollars per annum.

Qualification of mayor.

**25.** No person shall be either nominated or elected mayor, unless he has been resident in the city for one year immediately preceding the nomination, and unless he, during a continuous period of six months immediately preceding the day of his nomination, has been seized of, and has possessed as proprietor, in his own name, immoveable property in the city of the value of \$10,000, after payment or deduction of all charges imposed thereon; such qualification to be established by the valuation and assessment roll in force at the date of nomination, but this provision shall not apply to the mayor elected under the provisions of the following article.

Vacancy in office of mayor how filled.

**26.** If, for any cause whatever, the office of mayor becomes vacant, the city-clerk shall, within eight days after such vacancy, call a meeting of the council for the purpose of electing one of the members of the council to discharge the functions of mayor during the remainder of the term of office; and the council, at such meeting, shall be bound to elect such mayor; the acceptance of the office of mayor by any member of the council shall have the effect of rendering his seat vacant, and, in such case, a new election to fill such vacancy shall be held.

Acting-mayor.

**27.** The council, at its monthly meeting, in the months of February, May, August and November, in each year, shall elect one of its members to act as acting mayor, if necessary, during the ensuing three months, and the alderman so elected shall have and exercise all the powers vested by law in the mayor whenever the mayor may be absent from the city, or whenever he may be unable to discharge the duties of his office.

His powers.

In the event of the office of mayor becoming vacant, the acting mayor shall exercise all the powers of mayor, until the latter's successor is elected.

Aldermen to be justices of the peace.

**28.** The aldermen shall severally be justices of the peace for the city of Montreal during their term of office.

**29.** No person shall be either nominated or elected alderman, unless he has been resident in the city for one year immediately preceding the nomination, and unless he, during a continuous period of six months immediately preceding the day of his nomination, has been seized of and has possessed as proprietor, in his own name, immoveable property in the city, of the value of \$2,000, after payment or deduction of all charges imposed thereon; the qualification, required by this article, to be established by the valuation and assessment roll in force at the date of nomination.

Qualification of aldermen.

**30.** Any alderman may resign and vacate his seat in the council by transmitting his resignation in writing signed by him, to the city-clerk; but such resignation shall have no effect until it be accepted by a resolution of the council.

Resignation of aldermen.

**31.** If any vacancy occurs in the office of alderman, the mayor, within fifteen days after such vacancy, shall fix a day for the nomination of candidates, and also for the election in case of a contest, which election shall be held within thirty days after such vacancy.

Vacancy in office of alderman.

Notice of such election shall be given as in the case of general elections; and such nomination and election shall be held as in the case of general elections, and the person elected shall hold office during the unexpired term of the previous incumbent's tenure of office.

Notice of election.

**32.** No person can act as mayor or alderman, unless he possesses at all times the qualification required by law.

Qualifications to be possessed during full time.

**33.** Any alderman voting at any meeting of the council or of any committee, unless he is at the time duly qualified as required by law, shall be liable to a penalty of one hundred dollars for each such vote which he gives in council or in committee.

Penalty on alderman voting when not qualified.

**34.** In case the mayor or any alderman has ceded or in any manner whatever made over the immoveable property on which he qualified himself, or has mortgaged or encumbered the same so as to affect the amount required for his qualification, it shall be lawful for any two duly qualified electors to present a petition to the council, requiring the said mayor or alderman, as the case may be, to produce his title of such other immoveable property as he may qualify upon, together with the sworn declaration and certificate from the assessors provided for by article 92, and in default of his so doing, within a delay of thirty days, his seat shall *ipso facto* become vacant.

If property on which mayor or alderman qualifies has changed hands.

**35.** No person can act as mayor or alderman, until he has taken before the city-clerk the oath of allegiance to Her Majesty, Her heirs and successors, and the oath of office, in the form No. 1.

Mayor and aldermen to be sworn.

Qualification  
to be nomin-  
ated or elect-  
ed mayor or  
alderman,

**36.** No person can be validly nominated or elected as mayor or alderman, who is not a British subject, of the full age of twenty-one years, or who has been convicted of crime in any court of law, or who is in holy orders or a minister or teacher of any religious denomination, or a judge or clerk of any court, or member of the Federal or Provincial Governments, or who has any contract with the city for the performance of any work, or who is surety for any such contract, or who, as an advocate, conducts a cause against the city in any court of law, or in any expropriation proceedings, or who is a party to or interested in any suit against the city, or whose firm or any member thereof conducts a case against the city, or who is directly or indirectly interested in a cause, suit or claim against the city, or who is in any way accountable for the city revenue, or in the employ of the city, or who is indebted to the city for taxes, assessments on real estate, water-rates (special assessments for local improvements being excepted.)

Causes of dis-  
qualification.

**37.** If any person, holding the office of mayor or alderman, makes an assignment of his property for the benefit of his creditors, or becomes insolvent, or takes or enters into holy orders, or becomes a minister or teacher of any religious denomination, or a judge or clerk of any court, or a member of the Federal or Provincial Governments, or becomes accountable in any way for the city revenue, or enters into the employ of the city, or is absent from the city or from the meetings the council for more than two months consecutively (unless in case of illness, or with the leave of the council), or directly or indirectly becomes a party to or security for any contract or agreement with the city, for the performance of any work or duty or for goods to be supplied to it, or directly or indirectly has any interest in, or derives any profit or advantage from, such contract or agreement, or is a party to or directly or indirectly interested in any claim or in any suit or legal process or in any expropriation or other case in which the city, if condemned, will have to disburse any moneys, or is the attorney for the claimant or for the plaintiff in any such process, suit or case, or is a member of a firm acting as attorneys or one of the members whereof acts as attorney as aforesaid, or if he has been declared guilty of any corrupt and fraudulent practice in the municipal elections, as provided in this charter and its amendments,—he shall thereupon immediately, in each such case, become disqualified, and shall cease to hold such office of mayor or alderman, as the case may be.

Present may-  
or and alder-  
man contin-  
ued in office.

**38.** The mayor and aldermen who are in office, when this act comes into force, shall continue in office until they shall be replaced according to the provisions of this charter.

**39.** Each alderman shall receive, out of the funds of the city, as an indemnity or compensation for his services during his term of office, an annual sum of \$600.00; and every alderman elected chairman of a standing committee shall be entitled to an additional remuneration of \$200.00 per annum; provided that there shall be deducted from such indemnity a sum of \$10.00 for every failure on the part of any alderman to attend a regular meeting of the council, and a sum of \$3.00 for every failure on the part of any alderman to attend any meeting of a standing committee of which he may be a member.

Indemnity of  
aldermen.

Proviso.

**40.** The council shall appoint at its first monthly meeting of February of each year, from its members, as many committees as it may deem necessary for the supervision of the administration of the several civic departments for which they are respectively named.

Appointment  
of committees  
by council for  
certain pur-  
poses.

The said committees shall also consider and report to the council upon any matters specially referred to them by the council.

Other duties.

**41.** The city council shall appoint a finance committee composed of seven of its members.

Appointment  
of finance  
committee.

**42.** The functions of the finance committee shall be :

The preparation of the annual estimates of expenditure;

Functions of  
finance com-  
mittee.

The consideration of all recommendations involving the expenditure of money, and also the awarding of all contracts subject to ratification by the council for works, materials and supplies, unless an appropriation has been already voted.

No recommendation for such purpose, in any way affecting the finances of the city, shall be adopted by the council unless the same shall have been previously submitted to and sanctioned by the finance committee, provided however that, upon the refusal of the finance committee to sanction an appropriation asked for by any committee, the council may, by a vote of three-quarters of its members, order such appropriation to be made.

Approval of  
finance com-  
mittee requir-  
ed for certain  
recommendations.

No member of another standing committee can be a member of the finance committee.

Who may not  
be members of  
finance com-  
mittee.

#### SECTION VII

#### LISTS OF ELECTORS

§ 1.—Persons entered on the lists and the place where they vote

**43.** The following persons, if of the full age of twenty-one years, British subjects and not legally disqualified nor otherwise deprived of the right to vote in virtue of this

Qualification  
of electors :

charter, may be entered on the lists of electors, which shall be prepared in accordance with the following provisions, viz :

Proprietors :

1. Every male person and every widow or spinster whose names are inscribed on the last assessment and valuation roll in force as a *bona fide* owner or occupant of immoveable property, in the city, of the assessed value of \$300 or upwards, or of an assessed annual value of \$30 or upwards, according to said roll. In cases where such property is held in usufruct, the name of the usufructuary shall alone be entered on the electors' list ;

Husband of woman under law of separation, as to property ;

2. The husband of any woman separate as to property, when the latter is seized, as owner, usufructuary or as institute, of immoveable property of the assessed value of \$300 or upwards, according to the assessment and valuation roll in force, or when she carries on trade or keeps a place of business which renders her subject to the payment of a tax, and when such place of business is entered on the tax roll as being of the assessed annual value of not less than \$30 ;

Tenants :

3. Every male person, and every widow or spinster, being an inhabitant householder in the city under a lease whose name is entered on the last tax roll in force as tenant of a dwelling house or part of a dwelling house, in the ward for which the list is made, of the value of \$300 or upwards or of the annual value of \$30 or upwards, according to such tax roll ;

Tenants of warehouse, &c. ;

4. Every male person, though neither an owner or householder, who, individually or jointly as a copartner with any other person, is entered on the last assessment and valuation roll or tax roll, in force, as the tenant under lease of any warehouse, counting-house, shop, office, or other place of business in the city ; provided that such warehouse, counting-house, shop, office or other place of business, if occupied by the said person individually, be assessed at a value not less than \$300.00, or, at a yearly assessed value of not less than \$30.00 ; or, if occupied by him as a copartner, that his proportion or share thereof be not of less value than the amounts aforesaid, respectively, according to the assessed value thereof.

Proviso :

Nevertheless such qualification granted to copartners or tenants by the above paragraph shall not be held to extend to members of associations of persons using or holding the premises for social, educational, philanthropic or other similar objects, nor to employees or agents of other persons entitled to be qualified as electors in respect of the same premises.

Joint proprietors, joint tenants, &c.

44. When two or more persons are joint proprietors, joint tenants or joint occupants of land or buildings estimated on the valuation and assessment roll in force at an assessed

or annual value sufficient to qualify each for electoral purposes, each of said joint proprietors, joint tenants and joint occupants is qualified as an elector, and to be entered on the elector's list.

**45.** Persons entitled to vote, as aforesaid, shall vote in and for the particular ward in which the property constituting their qualification to vote shall be situated ; but when any such person is qualified as owner or occupant in more than one ward, or tenant in one ward, and at the same time as owner or householder in any other ward, he may vote for the election of alderman in any or all of the wards wherein he is qualified so to do, and he shall be entered in the list of electors for each of such wards ; provided that, Where electors are to vote. for the election of mayor, such person shall vote once only ; Proviso. said vote to be cast, if the elector be qualified in respect of residence, at the polling place nearest his domicile.

**46.** When the elector is not qualified in respect of residence, the chairman of the board of assessors shall determine where, in his judgment, the said vote for mayor may be most conveniently cast. Where, when not qualified in respect of residence.

**47.** The following persons are not entitled to have their names entered on the electors' list : Persons not entitled to be entered on elector's lists.

1. Salaried permanent officers or employees of the city in receipt of an annual, monthly or weekly salary ;

2. Persons who are not British subjects ;

3. Persons who are no longer in possession as proprietors of the property on which they are qualified when said list is made ;

4. Persons who are guests or lodgers in a hotel, boarding-house or private dwelling, and not otherwise qualified ;

5. Proprietors or occupants who have not been householders in the ward since the month of May next preceding, if they are already entitled to vote in another ward ;

6. Tenants who, at the time of the revision of the electoral lists, are no longer householders in the ward, and also tenants of any office, qualified as such, who have not actually occupied said office since the month of May next preceding, or who have ceased occupying the same at the time of the revision of the electoral lists.

**48.** No person qualified to vote as tenant shall be entitled to have his name entered on the electors' list for any of the wards of the city who, on the first December preceding the completion of the list, shall be indebted towards the city for any taxes, assessments on real estate or water-rates (special assessments excepted.) Payment of taxes a condition precedent to tenant's name being entered on list

§ 2.—*Preparation of the Electors' Lists*

When electors' lists to be prepared.

**49.** Prior to the first of December of each year, there shall be prepared by the chairman of the board of assessors, or under his direction, in the manner hereinafter mentioned, for each of the wards of the city a list of the names of persons entered on the valuation and assessment roll as well as on the tax roll, and qualified to be entered upon the electors' lists under this charter.

What to contain.

**50.** Such list shall contain the names and surnames of the electors, their occupations, the streets and street numbers of the property in respect of which they are qualified to vote, and shall also indicate in a separate column the nature of the qualification of such electors, whether as proprietors, tenants or occupants

Names to be omitted or removed therefrom.

**51.** In the preparation of the list the chairman of the board of assessors shall omit therefrom, and shall, from time to time, cause to be removed therefrom, the names of all persons who either are or who may become deceased, also the names of minors, of aliens, of non-residents, of corporation employees (as defined by article 47) and of all others who, by virtue of this charter, shall not be entitled to have their names entered on such list.

Examination of lists.

During the month of November, while the lists are still in the hands of the chairman of the board of assessors, any rate-payer may, under proper safeguards, examine the lists in the office of the board of assessors, and if said rate-payer finds therein the name or names of persons whom he may have reason to believe are not legally entitled to such insertion, he may file with the chairman of the assessors a signed statement, specifying names and alleging causes of disqualification, and, in each such case, it shall be the duty of the chairman of the board of assessors to make careful inquiry respecting the truth or otherwise of such allegations, before permitting the name or names thus protested to remain upon the list, when the same shall be finally transmitted to the city-clerk.

Subdivision of wards into polling districts.

**52.** The chairman of the board of assessors, in preparing the electors' list for each ward of the city, shall subdivide each ward into as many polling districts as he may deem necessary, and each of such districts shall contain not more than two hundred electors.

Report of such districts.

**53.** He shall make a report of such districts in duplicate, shall sign the same and keep one duplicate thereof, and shall transmit the other to the city-clerk.



**54.** He shall make for each polling district an alphabetical list of the electors qualified to be entered thereon, which he shall sign and certify under oath before a justice of the peace, as correct to the best of his knowledge and belief.

Alphabetical list for each polling district.

**55.** The city-clerk shall be obliged to furnish to any rate-payer, asking for the same, a copy of any or all of the electors' lists for the year, and shall be allowed to charge for the same a fee of ten cents for one hundred words for such copy, upon the applicant depositing the amount necessary to pay for the same.

Copies of list to be furnished on demand to any rate-payer, &c.

**56.** The electors' lists for all the polling districts of any ward of the city shall be considered as being the electors' list for such ward at each election held under this charter.

Electors' lists for wards.

**57.** The electors' list for each ward shall be considered as separate, and if for any reason the electors' list for any ward be invalidated, it shall not affect the electors' list for any other ward.

Each list for a ward a separate list.

**58.** If the chairman of the board of assessors refuses or neglects to make alphabetical lists of the electors according to the provisions of this charter, or if, in making such lists, he enters thereon or omits therefrom, knowingly, names which should not be entered or omitted, and if he thus transmits said list after having certified the same, under oath, he shall be liable to a fine not exceeding \$500, and, in default of payment, to a term of imprisonment not exceeding six months.

Penalty on chairman of board of assessors for refusal to perform or neglect in performance of duties.

**59.** If the chairman of the board of assessors, for any cause whatever, is unable to certify the said electors' list within the delay above-mentioned, the same may be validly certified by one of the assessors specially appointed by the board for that purpose and transmitted by them to the city-clerk, without delay.

If list not certified within certain delay, may be validly certified thereafter.

**60.** The mayor is bound to see that the electors' list for each ward of the city is made as aforesaid, and he may dismiss the chairman of the board of assessors in the event of the latter refusing or neglecting to make the said list as aforesaid and also any civic employee tampering with the same.

Duty of mayor to see that list is made, &c.

**61.** On the first of December, the chairman of the board of assessors shall deliver to the city-clerk the certified electors' list which shall be on the same day delivered by the latter to the city-treasurer.

Copy of list to be delivered to city-clerk and to city-treasurer.

This officer shall examine it and indicate thereon such electors as are not disqualified under article 48, by writing in red ink opposite their respective names in the column

Entries to be made on list by that officer.

reserved on the said list for remarks the letters T. P. or T. E. as the case may be, which shall bear his initials or his seal, the said letters respectively meaning : T. P.—*taxe personnelle*, personal tax, and T. E.—*taxes de l'eau*, water-rate ; according as the said electors were indebted for personal tax or for water-rate on the first December.

Return of list to city-clerk, who keeps it for examination.

On or before the twentieth of December, the city-treasurer shall deliver the electors' lists, verified as aforesaid, to the city-clerk, who shall keep the same in his office, where it may be examined by the parties interested until finally revised.

Notice to be published thereafter, and what to contain.

**62.** On receipt of the list delivered to him by the city-treasurer, the city-clerk shall cause to be inserted in two French and two English newspapers a notice of the revision of the electors' list (as per form 2) stating the day and place where the list for each of said wards shall be revised.

### § 2—*Examination and putting into force of the List*

Examination, etc., of list upon complaint.

**63.** Upon complaints filed in accordance with the following article and not otherwise, the electors' list for each ward of the city may be examined, corrected and revised by one of the recorders of the city, within the time mentioned in the notices given by the city-clerk, in virtue of article 62.

Notice to be given by qualified elector to have list for any ward amended.

**64.** Within fifteen days from the publication of the notice given by the city-clerk in accordance with article 62, any qualified elector may give notice in writing to the office of the city-clerk that he will apply to the recorder to have the list of electors for any ward amended, either by the addition thereto of names of persons omitted, or by striking therefrom the names of persons improperly inserted.

Contents of notice and service thereof.

**65.** Such notice shall specify the qualifications of the electors whose names are sought to be added and the causes of disqualification of those sought to be struck off, and shall be served at the diligence of the applicant, on or before the fifth of January, upon every elector whose name is sought to be struck from the electors' list, by registered letter sent to the address mentioned on the list.

Application on day fixed.

**66.** On the day fixed for the revision of the list of electors of the ward respecting which such application has been made, the petitioner shall appear, either personally or by his agent or attorney, before one of the recorders to make good his application.

Recorder to hear complaints and adjourn until

**67.** On the day fixed by article 62, the recorder shall hear the complaints filed as aforesaid, and shall adjourn from day to day until all such complaints have been

adjudicated upon; and after hearing such evidence as, all heard, in view of the nature of the case, shall be deemed sufficient &c. and reasonable, all witnesses being first duly sworn before the parties interested or their representatives, if present, the recorder shall make or cause to be made the necessary additions to or erasures from such list, and shall further correct all misnomers and all clerical errors therein.

**68.** The attendance of witnesses may be secured by summons issued under the hand of the recorder. Attendance of witnesses.

If any person, so summoned neglects or refuses to appear at the place and time appointed by such summons, or if appearing he refuses to be examined under oath concerning said enquiry, or to obey any order to produce papers or documents mentioned in such summons, in so far as he is able so to do, he shall be liable to a fine not exceeding twenty dollars, and, in default of payment, to a term of imprisonment not exceeding ten days. Penalty on witness not attending.

**69.** The recorder may compel the officials and employees of the assessors' office and of the city-treasurer's office to be present at the sittings held for the revision of said list, and to give communication of the assessment and tax rolls and other records, under pain of the penalty mentioned in the preceding article. Attendance of officials, &c., before recorder with documents.

**70.** If, upon sufficient evidence, the recorder is of opinion that a property has been leased, ceded or transferred, in virtue of any title whatever, for the purpose of giving to a person or persons the right to be entered on the electors' list, he shall, upon a complaint being made in writing to that effect and upon evidence under oath being adduced, strike from the said list the name of such person. Fraudulent title.

**71.** Every insertion, erasure or correction made in the electors' list, when the same is being examined and the complaints are being heard, as aforesaid, shall be certified by the recorder's initials or *paraphe* written in ink. Corrections to be authenticated.

**72.** At the time fixed for the revision of the electors' list as aforesaid, the city-clerk shall lay before the recorder all the complaints filed in his office, as aforesaid. Complaints against list to be laid before recorder by city-clerk.

**73.** The revision of the list of the polling districts for each of the said wards of the city shall be completed at least two days before the date fixed for the nomination of candidates at elections held under this charter. When revision to be completed

**74.** As soon as the recorder shall have revised such list as aforesaid, he shall affix thereto a certificate, as per form No. 3, which certificate shall be countersigned by the city- Certificate after list revised.

Effect thereof  
and duration  
of list. clerk, and such list shall thereupon become in force, and shall so remain in force until a new list is made and put in force in virtue of this charter.

Persons entered, alone  
entitled to  
vote. **75.** Every person (and no other) is entitled to vote at the election to be held under the provisions of this charter, whose name, at the time of voting, appears on the electors' list in force.

Clerical errors. **76.** At any time, before the eighteenth of January, the recorder shall have power and authority to correct purely clerical errors in the names of the electors or errors in the appending, by the city-treasurer, of the capital letters at the end of the names of the electors as hereinbefore provided, by placing the words "*Bon Vote*" (good vote) opposite the name, with his initials.

Value of the  
list. **77.** When the electors' list for each of the wards in the city shall be in force as aforesaid, even though the assessment and valuation roll or tax roll upon which it is based should be defective, or should be annulled or quashed, the same shall, during the time it remains in force, be deemed to be the only correct electors' list for the ward to which it relates.

Informalities  
not to affect  
the list. **78.** No informality in the preparation, completion, revision and putting into force of the list shall have the effect of invalidating the same, unless an actual injustice results therefrom.

#### SECTION VIII

#### MUNICIPAL ELECTIONS

##### § 1.—*Date of the Elections*

When elections to be held. **79.** The election of the mayor and aldermen of the city shall be held every two years on the first juridical day of February in accordance with the provisions hereinafter contained; and the first election of mayor and aldermen, after the coming into force of this charter, shall be held on the first juridical day of the month of February, 1900.

First election after act comes into force.

##### § 2.—*Returning Officer and Election-Clerk*

City-clerk to be returning officer. **80.** The city-clerk shall be the returning officer for every election held under the provisions of this charter; and in applying the different sections thereof relating to elections to be held under this charter, the words "returning officer" shall mean the "city-clerk."

**81.** Within at least five days before the fifteenth of January at noon, in the year in which a general election shall take place, the city-clerk shall appoint a competent person by commission under his hand, as per form No 4, as his election-clerk, to assist him in the discharge of his duties. He shall moreover give public notice, within the same period, of the time and place for the nomination of candidates.

Appointment  
of election-  
clerk.

**82.** Before acting in his official capacity, the election-clerk shall take the oath, mentioned in form No. 5, before the returning officer or a justice of the peace, who shall thereupon give him a certificate thereof according to form No. 6.

Oath of elec-  
tion-clerk.

**83.** Should the election-clerk die or be prevented from performing the duties of his office by sickness, absence or any other unforeseen cause, or should he refuse to continue in such office, or neglect to perform the duties thereof, the returning officer shall, in the same manner, after annulling his first appointment, appoint another competent person to be his election-clerk.

New election-  
clerk in cer-  
tain cases.

The new election-clerk after being sworn as provided by article 82 shall be bound to perform all the duties and obligations of such office under the same penalties as the former, in case of refusal or neglect on his part.

His duties.

**84.** Whenever the returning officer is incompetent, or becomes unable to perform the duties of his office or refuses to discharge the same, and has not been replaced by another person, the election-clerk shall act as returning officer for the election in the same manner and to the same effect as if he had been duly appointed to that office, and shall fulfil all the obligations thereof, under the same penalties as those enacted in relation to the returning officer, without being bound, however, to take any further oath.

When the  
election-clerk  
acts as return-  
ing officer.

**85.** In the event of the returning officer being replaced, the election-clerk shall continue in office, unless he is replaced by another in the discretion of the new returning officer, in the manner above-mentioned.

If returning  
officer re-  
placed, clerk  
to continue  
unless re-  
placed.

### § 3.—*Nomination of Candidates*

**86.** Every candidate for the office of mayor and alderman shall be nominated by means of a nomination-paper drawn up in accordance with the provisions of this charter and with form No. 7.

Nomination-  
paper.

The nomination-papers shall be filed in the office of the city-clerk during office hours between the fifteenth day of January at noon and the twentieth day of January at noon,

When to be  
filed and  
where.

in the year wherein a general election is to be held, and the voting at such general election for the offices of mayor and alderman shall take place on the first day of February.

Designation of aldermen's seats.

**87.** The seats of the aldermen for each ward of the city shall be designated as No. 1 and No. 2, respectively.

Nomination-paper for mayor.

**88.** Each nomination-paper for the office of mayor shall be signed by at least ten electors qualified to vote and whose names are registered on the electors' list in force in any of the wards of the city, and shall mention the name and surname, residence and profession of the candidate.

Nomination-paper for alderman.

**89.** Each nomination-paper for the office of alderman shall be signed by at least ten electors qualified to vote, and whose names are registered on the electors' list in force for the ward in which the election is to be held, and shall mention the name and surname, residence and profession of the candidate.

Mark affixed equivalent to signature.

**90.** The mark affixed upon the nomination-paper by any elector unable to write shall be deemed to be the signature required, according to the meaning of this charter.

Consent of candidate unless absent.

**91.** Each nomination-paper shall be accompanied by the written consent of the person nominated, unless such person is absent from the Province.

Absence to be stated.

In the latter case, the nomination-paper shall mention such absence.

Documents to be produced with nomination-paper.

**92.** With each nomination-paper shall be filed :

1. A declaration from the candidate stating under oath that he is a British subject, and that he is duly qualified under article 25 or 29, as the case may be, and containing a description of the real estate on which the candidate's qualification is based ;

2. A certificate from the chairman of the board of assessors, or his deputy, establishing the value of the aforesaid real estate, according to the assessment and valuation roll in force ;

3. A certificate from the city-treasurer showing that the candidate is not in the city's debt for taxes, assessments on real estate or water-rates, and that he has deposited the sum of two hundred dollars, as required by law, in the hands of the said treasurer.

The nomination-paper shall also be accompanied by the solemn declaration contained in form No. 7.

The nomination-papers, together with the declarations and certificates above-mentioned, shall be delivered to the returning officer by the person nominated as candidate, or by any one on his behalf, within the period indicated in the public notice referred to in article 81.

When to be delivered to returning officer.

**93.** A sum of two hundred dollars, in gold, silver, Dominion notes, or bills of an incorporated bank doing business in this Province, must be paid into the hands of the city-treasurer by each candidate, previous to the delivery of the nomination-paper to the returning officer.

Deposit required.

This sum shall not be liable to seizure and shall be returned to the candidate in the event of his being elected, or, if not elected, of his obtaining at least one-half the number of votes counted in favor of the candidate elected; otherwise it shall belong to the city.

Not liable to seizure. To be returned to candidate in certain event.

The deposit provided for by this article shall also be forfeited if the candidate withdraws before the voting.

Forfeiture in certain other event.

**94.** Each nomination-paper shall also be accompanied by one or more affidavits, as per form No. 8, sworn before the returning officer or a justice of the peace, and setting forth:

Affidavits to be produced.

1. That, to the knowledge of the deponent, the names of the subscribers to the nomination-paper, or at least ten thereof, are entered on the electors' list in force for the ward in which the election is to be held, and that the nomination-paper was signed by the subscribing parties thereto in the presence of the deponent;

2. That the consent of the candidate to be nominated was signed by such candidate in the presence of the deponent, or that the person nominated is absent from the Province.

**95.** The qualifications as electors of the subscribers to the nomination-paper and the signatures or marks of each of them, or of at least ten of them, and the consent or absence of the candidate, may be established in one or more separate affidavits, and by one or more different persons.

Affidavits as to qualification, &c., of persons signing nomination-paper.

**96.** If the nomination-paper be produced by the candidate personally, the returning officer shall require him to make oath that the signature subscribed to the consent produced is his own signature, and such oath shall be written at the bottom or endorsed on such nomination-paper, and, in such case, no other affidavit shall be required.

Oath if candidate produces nomination-paper.

**97.** No nomination-paper shall be valid unless it is made and delivered in conformity with the formalities prescribed by this section.

Requisites as to validity of nomination-paper.

Declaration  
of returning-  
officer.

**98.** After accepting and examining the nomination-paper, the returning officer shall forthwith state whether he considers the same valid or not, and shall inscribe thereon, under his signature, the word "admitted," or the word "rejected", and, in the latter case, shall also state his reasons for rejecting the same.

Correction of  
nomination-  
paper, &c.

Such nomination-paper may then be corrected or replaced by another so long as the delay for receiving nominations has not expired.

Receipt  
makes proof  
of presenta-  
tion.

**99.** The receipt which the returning officer shall give on demand, shall be sufficient proof that the nomination-paper and the written consent of the candidate have been regularly produced and that the sum required has been paid.

Election of  
one candi-  
date.

**100.** If, at the expiration of the delay fixed for the nomination of candidates for any of the said offices of mayor or alderman, one person only is required and is placed in nomination for any one of the said offices, such candidate shall *ipso facto* be elected, and it shall be the duty of the returning officer to forthwith proclaim such candidate elected and to give public notice of such election not later than the following day.

Poll to be  
granted if  
more candi-  
dates than of-  
fices to fill.

**101.** If more candidates are nominated for any of the said offices than are required, it shall be the duty of the returning officer to grant a poll, but no person shall be elected who shall not have been nominated in the manner herein provided.

Votes for  
others null.

**102.** All votes for persons other than those so nominated shall be null.

Withdrawal  
of candidate.

**103.** Any candidate, nominated as mayor or alderman, may, at any time before the closing of the poll, withdraw, by filing with the city-clerk a written declaration to that effect, signed by such candidate in the presence of two witnesses, who shall also sign the same; and, in such case, it shall be the duty of the returning officer, on receiving such declaration, to make known such withdrawal by public notice; and, if only one other candidate for such office remains, he shall thereupon proclaim such candidate to be duly elected; and in the latter case, all proceedings in connection with such election shall be discontinued.

Notice there-  
of.

If one of two  
candidates  
dies before  
closing of  
poll.

**104.** If two persons are nominated for the office of mayor or alderman, and one of them dies before the closing of the poll, the city-clerk shall be bound to begin over again without delay the proceedings in connection with such elec-



tion, by giving the notice mentioned in article 81, and to fix a day for the nomination of candidates as well as a day for the polling, with an intervening delay of ten days.

In such case the deposit is returned to the person entitled thereto.

Return of deposit in such case.

#### § 4.—*Proceedings preliminary to Voting*

**105.** At least six days prior to the voting, the city-clerk shall give public notice of the time and places fixed for such voting; such notice shall specify, at the same time, the different polls established and the places where the same are situated, as well as the territorial limits of the polling districts, according to their respective numbers.

Notice of voting and what to contain.

The said notice shall also indicate the names, domiciles and occupations of the persons nominated in the order in which they are or will be printed on the ballot-papers to be used at the election, and the order of such names shall be alphabetical.

The returning officer shall, at the same time, publish and post up instructions for the guidance of electors in voting, and a list of the different polls and the places where they are situated.

Posting up of instructions to electors.

#### § 5.—*Deputy Returning Officers*

**106.** When voting shall be necessary, the returning officer shall appoint by commission under his hand, as per form No. 9, a competent person to act as deputy returning officer at each poll.

Appointment of deputy returning officer for each poll.

**107.** If a deputy returning officer dies or is prevented from discharging the duties of his office by sickness, absence or other cause, or, if he refuses to accept such office, or neglects to discharge the duties thereof, the returning officer shall appoint another person competent to act as deputy returning officer, and cancel his first appointment.

New deputy returning officer in certain cases.

The new deputy returning officer shall be bound to discharge all the obligations of such office under the same penalties as the first in case of refusal or neglect.

Duties.

**108.** Each deputy returning officer shall, before acting as such, take and subscribe, before the returning officer or before a justice of the peace, the oath set forth in form No. 10; and a certificate, according to form No. 11 of the taking of such oath, signed by the returning officer or justice of the peace, shall be delivered to him by the person administering the same. He shall keep them and return them with the other election documents as hereinafter provided.

Oath.

Returning officer shall furnish list of electors.

To be certified.

New list if lost.

Ballot-box.

How made.

Deputy returning officer to cause one to be made, if not furnished.

Ballot-papers to be furnished by returning officer.

Description.

Form of ballot-papers.

Paper to be used.

**109.** It shall be the duty of the returning officer to furnish to each deputy returning officer a copy or extract from the electors' list in force, containing the names of the electors entitled to vote at the poll for which he is appointed.

Each copy of and extract from the list shall be certified, either by the returning officer or by the election clerk.

**110.** If the list, copy or extract in the possession of any deputy returning officer is lost or destroyed, it shall be the duty of the returning officer to provide another certified copy or extract from the electors' list for such deputy returning officer.

**111.** The returning officer shall, at least two days before the voting, deliver to each deputy returning officer a ballot-box to receive the ballot-papers of the electors.

Such ballot-box shall have a slit or narrow opening in the top, and be so constructed that the ballot-paper may be introduced therein, but not withdrawn therefrom without opening the box, and shall be made of durable materials, with lock and key.

**112.** When the returning officer has not supplied the deputy returning officer with a ballot-box within the delay prescribed in the preceding article, or if the same is taken away or lost, it shall be the duty of the latter to cause one to be procured at once at the expense of the city.

**113.** The returning officer shall furnish the deputy returning officer of each poll with a number of special and separate ballot-papers for each contested seat sufficient to supply the number of electors entitled to vote at such poll, and with the necessary materials for the voters to mark their ballot-papers.

All ballot-papers shall be of the same description, and, as nearly as possible, alike.

**114.** The ballot-paper of each elector shall be a printed paper with an annex, drawn up according to form No 12 or other form as the council may select, specifying in alphabetical order the names and designation of the candidates for each seat, as contained in the nomination-paper of each candidate.

The ballot-paper must be printed on paper sufficiently thick to prevent the pencil mark from being discernible from the reverse side thereof.

**115.** A table or desk with a smooth surface shall be provided, in the private compartment whereon the ballot-paper is to be marked. Table in compartment.

**116.** The same kind of pencil must be used throughout the voting. Pencil.

**117.** If a candidate retires too late to allow of the printing of new ballot-papers, and polling is proceeded with for other candidates, the deputy returning officer shall make use of the ballot-papers in hand after plainly striking out, in a uniform manner in ink, the name of the candidate who has retired, and such ballot-papers shall validly serve for all the purposes of the election. Use of ballots with name of retired candidate thereon.

**118.** The ballot-papers must be bound or stitched so as to form a book and be numbered on the annex by the printer from No 1 to 250. Ballots to be stitched in a book and numbered on annex.

**119.** The returning officer shall also furnish to each deputy returning officer at least ten copies of the printed directions for the guidance of electors in voting. Directions.

**120.** The deputy returning officer shall, on the day of the voting, at or before the opening of the poll, cause copies of such directions to be posted up in each compartment of the poll. Posting up.

#### § 6.—Poll-Clerks

**121.** Each deputy returning officer shall, without delay, appoint, by a commission under his hand, according to form No. 13, a competent person as poll-clerk, to assist him in the execution of his duties. Appointment of poll-clerk.

If the poll-clerk dies, or is prevented from executing his office by illness, absence or other cause, or if he refuses to accept such office, or neglects to discharge the duties thereof, the deputy returning officer shall appoint another person competent to act as poll-clerk and cancel his first appointment. New poll-clerk in certain cases.

The new poll-clerk shall be bound to discharge all the obligations of such office, under the same penalties as the first, in case of refusal or neglect. His duties.

Every poll-clerk shall, before acting as such, take and subscribe, before the returning officer or the deputy returning officer who appointed him, or before any justice of the peace, the oath set forth in form No. 14. Oath.

A certificate of the taking of such oath shall be delivered to him according to form No. 15, by the person administering the same, and under his hand. Certificate thereof.

Duties of poll-clerk towards deputy returning officer.

The poll-clerk, at the poll for which he shall have been appointed, shall be bound to aid and assist in the execution of his duties the deputy returning officer appointed to keep the poll at such place, and to obey the orders of such deputy returning officer.

Replacing the deputy returning officer in certain cases.

**122.** In the event of the deputy returning officer refusing or neglecting to discharge the duties of his office, or becoming unable to discharge such duties and in the event of no other deputy returning officer, appointed instead of the former, presenting himself at the poll, the poll-clerk shall, under the same penalties as those imposed upon a deputy returning officer, act as deputy returning officer, without being obliged for such purpose to take any new oath, and shall fulfil all the duties and the obligations thereof, in the same manner as if he had been appointed deputy returning officer.

Appointment of new poll-clerk.

**123.** Whenever any poll-clerk shall act in the case provided for in the preceding article, he shall have power to appoint, by commission under his hand, according to form No. 16, another person as poll-clerk to aid and assist him, and shall administer to such person the oath required of a poll-clerk under this charter from a poll-clerk.

Duties.

Such poll-clerk shall have the same obligations to discharge as if he had been appointed by the deputy returning officer, and shall incur the same penalties in the event of refusal or neglect.

### § 7.—Voting

Place of voting.

**124.** The voting shall take place in a room or building of convenient access, with a door for the admission of the voters, and having, if possible, another for exit.

Compartments in poll-house.

**125.** One or two compartments shall be made within the room, so arranged that each voter may be screened from observation, and so that he may mark his ballot paper without interference or interruption from any person whomsoever.

Hours of voting.

Each deputy returning officer shall open the poll assigned to him at the hour of nine o'clock in the forenoon, and shall keep the same open until five o'clock in the afternoon.

Receiving of votes.

He shall, during that time, receive, in the manner herein-after prescribed, the votes of the electors duly qualified to vote at such poll and applying to vote thereat.

Who may remain in the room.

**126.** In addition to the deputy returning officer and the poll-clerk, no person other than the candidates and their agents, not exceeding two in number for each candidate, shall be permitted to remain in the room where the votes are given during the time the poll remains open.

In the absence of the agents of any candidate, two electors may, on their application, represent such candidate.

**127.** One of the agents of each candidate, or, in the absence of such agent, one of the electors representing a candidate under the preceding article, shall take the oath, in the form No 17, to keep secret the names of the candidates for whom any of the voters may have marked his ballot-paper in their presence, as prescribed by article 141, and no other person except one of the two officers in the poll-room can assist at such vote. Oath of agents.

**128.** At the hour fixed for opening the poll, the deputy returning officer and the poll-clerk shall, in the presence of the candidates, their agents, or the electors present, open the ballot-box and ascertain that there are no ballots or other papers in the same. Examination of ballot-box.

The box shall immediately thereafter be locked, and the deputy returning officer shall keep the key thereof. Locking thereof.

**129.** Immediately after the box shall have been locked, the deputy returning officer shall at nine o'clock in the morning precisely, call upon the electors to vote. Voting.

**130.** It shall be the duty of the deputy returning officer to facilitate the admission of every elector into the poll, and to see that he is not impeded or molested in or about the poll. Facility of voting.

**131.** The deputy returning officer only can and shall, when required so to do, sincerely and openly give to an elector the information necessary to show him how to make his mark, but without the slightest indication of preference or suggestion to any elector. Information, &c., to be given to electors.

**132.** Each elector, on entering the room where the poll is held, shall declare his name, surname and occupation, which shall be at once recorded in a poll-book to be kept for that purpose by the poll-clerk, in the form No. 18, and only one elector at a time shall be admitted to each compartment. Recording of name in poll-book.

**133.** If such name be found on the list of electors for such poll, the number of the ballot given to the elector must be entered in the poll-book beside the name of the voter. Recording of number of ballot-paper.

**134.** The voter shall receive from the deputy returning officer a special and separate ballot-paper for each office of alderman for which he may be entitled to vote; and on the back of each ballot-paper the deputy returning officer shall previously put his initials. Delivery of ballot-paper.

Oath of elect-  
or if required.

**135.** Nevertheless, any elector so presenting himself shall, before receiving his ballot-paper, if thereunto required by the deputy returning officer, the poll-clerk, one of the candidates, or one of their agents, or by any elector present, take before being allowed to vote the following oath or affirmation, and under such oath or affirmation, answer in the affirmative to questions numbers 1, 2, 3, and in the negative to questions numbers 4, 5, 6, of the following form:

#### FORM OF OATH OR AFFIRMATION.

Form of oath. "You swear (*or affirm, as the case may be*), to answer the truth and nothing but the truth to the questions which will be put to you; So help you God:

1. Are you the person meant or intended to be meant by the name entered as follows (*name of the elector entered on the list*) on the list of electors for this polling district?

2. Are you a British subject?

3. Are you of the full age of twenty-one years?

4. Have you already voted to-day at this election for mayor (*or alderman, as the case may be*), at this or any other poll?

5. Has any promise been made to you, or, to your knowledge, to your wife, or to any of your relations, friends or other persons, to induce you to vote or not to vote at this election?

6. Have you received anything, either personally or through your wife or through any member of your family, or, in any other manner, to induce you to vote or not to vote at this election, or in relation to your vote at this election?"

If oath ten-  
dered for pur-  
poses of iden-  
tification on-  
ly.

**136.** In cases where it is only necessary to identify the elector, it will be sufficient, after the oath has been taken, to ask him the first of the questions mentioned in the preceding article.

No ballot to  
be given to  
person who  
has refused to  
be sworn.

**137.** No ballot-paper shall be given to any elector who shall have refused to take the oath or affirmation mentioned in article 135 or article 136 when thereunto required.

Oath exacted  
by deputy re-  
turning officer  
in certain ca-  
ses.

**138.** Whenever any deputy returning officer has reason to know or believe that any person presenting himself to vote has already voted at the election and presents himself with the view of voting again, or that such person desires to vote under a false name or designation or falsely gives himself out or represents himself as entered upon the list of electors, such deputy returning officer, whether he be required to do so or not, shall administer to such person the oath or affirmation authorized by law, under penalty of a fine of

\$200.00 dollars, and, in default of payment, imprisonment of not more than twelve months ; and, in such case, mention is made of such formality by adding after the word "sworn" these words : "in virtue of article 138."

**139.** The voter, on receiving the ballot-paper, shall forthwith proceed into one of the compartments of the poll, and there shall mark his ballot-paper making a cross with a pencil, in the space of the ballot opposite the division containing the name of the candidate for whom he intends to vote, after which he shall fold it so that the initials endorsed thereon may be seen without unfolding it and shall hand it to the deputy returning officer, who shall, by examination of his initials without unfolding it and of the printed number on the annex, ascertain that such ballot-paper is that supplied by him to the voter, and, after having detached the annex, he shall, immediately, and in the presence of the voter, place the ballot in the ballot-box. Preparation of ballot-paper.

**140.** The poll-clerk shall enter in the poll-book, opposite the name of each elector presenting himself to vote : Entries in poll-book.

1. The word "voted," as soon as the elector's ballot-paper has been deposited in the ballot-box ;

2. The word "sworn," or "affirmed," if the elector has taken the oath or affirmation ;

3. The words "refused to be sworn" or "refused to affirm" if the elector has refused to take the oath or affirmation.

**141.** The deputy returning officer alone, on application of an elector who is unable to read or write, or is incapacitated by blindness or other physical cause, from voting in the manner prescribed by this act, shall assist such elector in the following manner : Aid in preparing ballot-papers.

1. By marking his ballot-paper in favor of the candidate indicated by the elector in the presence only of the sworn agent of each candidate or of one of the sworn electors, who represent him, as the case may be ;

2. By placing such ballot-paper in the ballot-box.

**142.** If there is any doubt as to the alleged incapacity, or if so required, the deputy returning officer shall, before receiving the vote, require the elector to take an oath or affirmation as to his incapacity according to the following form, to wit : Oath required in such case.

"I solemnly swear (or affirm) that I cannot alone and without assistance make the required mark upon my ballot-paper as I desire to do." Form of oath.

**143.** Whenever a voter has had his ballot-paper marked in conformity with the preceding article, mention of the fact shall be made in the poll-book opposite the name of such voter. Mention thereof in poll-book.

Votes of election officers, &c., upon certificate.

**144.** Any person who is entitled to vote in the ward in which the election is being held, and who has been appointed deputy returning officer, poll-clerk, or polling agent of one of the candidates, for a poll other than the one where he is entitled to vote, shall, on request, receive from the returning officer a certificate showing such right to vote and authorizing him to vote at the poll where he is employed.

Manner of voting.

**145.** On the production of such certificate, such person, if actually and in good faith employed at a poll as deputy returning officer, poll-clerk or candidate's polling agent, may vote in the usual manner at such poll, instead of voting at the poll where he would otherwise have been entitled to vote. But the deputy returning officer cannot, under penalty of a fine of one hundred dollars for each infraction, allow more than two agents for each candidate so to vote, under such certificate, at the poll kept by him.

Entry in poll-book.

Mention shall be made in the poll-book, opposite the name of such voter, of the fact of his having voted in virtue of this article under such certificate.

Certificate when given.

Such certificate is given only upon the written power of attorney of the candidate and forms part thereof, and shall be put with the other election documents.

Spoiled ballot-paper.

**146.** If an elector has inadvertently marked, spoiled or torn the ballot-paper given him, in such manner that it cannot be conveniently used, he may, on returning the same to the deputy returning officer, obtain another ballot-paper; provided he has not by such means disclosed his vote.

Votes tendered after previous vote in same name.

**147.** If a person, representing himself to be an elector named on the list of electors, applies for a ballot-paper after another person has voted as such elector, the applicant, upon taking the oath or affirmation specified in article 135 shall be entitled to vote as any other elector.

Entry in poll-book.

**148.** Mention shall be made in the poll-book of the fact that the voter has voted on a second ballot-paper issued under the same name, and that, on demand, he has taken the required oath or affirmation mentioned in article 147 and also of any objection made to such vote on behalf of any of the candidates, and of the name of such candidate.

Interpreter.

**149.** Whenever the deputy returning officer may not understand the language spoken by any elector claiming to vote, he shall swear an interpreter, who shall be the means of communication between him and such elector with reference to all matters required to enable such elector to vote.

Delay to be avoided.

**150.** Every elector shall vote without undue delay, and shall quit the poll as soon as his ballot-paper has been put into the ballot-box.



The deputy returning officer shall compel the voter to quit the poll forthwith after voting, and, in default of so doing, shall be personally liable to a fine of twenty dollars and in default of payment to an imprisonment of three months upon summary conviction at the suit of any rate-payer. Penalty.

**151.** No elector shall be allowed to take his ballot-paper out of the poll, under the penalty of being *ipso facto* deprived of his vote at that election, and of further incurring a penalty not exceeding \$200.00, and imprisonment not exceeding six months in default of payment. Taking ballot-paper away prohibited.

**152.** No person shall, directly or indirectly, induce any voter to display his ballot-paper after he has marked the same, so as to make known the name of the candidate, for or against whom he has so marked his ballot-paper. Exhibiting it also prohibited.

**153.** An elector who causes to be made known the mark on his ballot *ipso facto* loses his right to vote and to have it deposited in the ballot-box. Such ballot is placed among those to be rejected and note thereof is taken in the poll-book. Loss of right to vote in such case.

**154.** With the exception of the case provided for in article 141, no person shall interfere with or attempt to interfere with an elector when preparing his ballot-paper, or otherwise make any attempt to obtain information at the poll as to the name of the candidate for whom any elector at such poll is about to vote or has voted, nor endeavor to discover the number of the ballot and the mark of the elector. Interference prohibited.

**155.** Every election officer, candidate, agent and elector in attendance in a poll and taking part therein, shall previously take the oath of secrecy in the form No. 19 before the deputy returning officer; if they refuse so to do, they shall be excluded from the poll. They shall maintain and aid in maintaining the secrecy of the voting at such poll; but it shall be lawful for them to give to any candidate or his authorized representative the names of the electors who have voted or not. Oath of secrecy to be taken by certain persons.

**156.** No election officer, candidate, agent, elector, or other person shall communicate, at any time, to any person, any information obtained in a poll as to the name of the candidate for whom any elector is about to vote or has voted. Secrecy as to voting.

**157.** Whosoever acts in contravention of any of the provisions of articles 154, 155 and 156 shall be liable to a penalty not exceeding \$200.00, and imprisonment not exceeding six months in default of payment, or both together, with or without hard labor. Penalty for contravention.

Penalty for  
certain offences.

**158. Whoever :**

1. Fraudulently puts into any ballot box any paper other than the ballot-paper which he is authorized by law to put in ; or

2. Fraudulently takes out of the poll any one or more ballot-papers ; or

3. Attempts to commit any of the acts specified in this article ; or

4. Forges, counterfeits, fraudulently alters or defaces or destroys any ballot-paper or the initials of the deputy returning officer signed thereon, or destroys, takes, opens or manipulates without authority any ballot-box or parcel of ballot-papers in use or having been in use at any election, or who, without authority, supplies any ballot-paper to any person or procures the same for himself, in view of the election ; or

5. Attempts, assists, provokes, counsels or facilitates the commission of any of the above mentioned offences ;

Shall, for each offence, incur :

If an election officer or other person engaged in the election, a penalty of \$1,000.00, and imprisonment for two years in default of payment, or both together, with or without hard labor ; or

If any other person, a penalty of \$500.00, and imprisonment for six months in default of payment, or both together, with or without hard labor.

Penalty  
against deputy  
returning  
officer for cer-  
tain offences.

**159.** Any deputy returning officer who delivers to any person, presenting himself as an elector at a poll, a ballot-paper upon the back of which the said deputy returning officer shall not have put his initials, or shall have improperly placed his initials in contravention of article 134, or upon which the said deputy returning officer shall have placed any words or marks other than such as are required by the said article 134, or required in case of resignation of a candidate, shall be liable, on summary conviction, to a penalty not exceeding ten dollars and costs for such offence and in default of payment to imprisonment not exceeding ten days.

Vote not to  
be disclosed.

**160.** No person shall, in any legal proceeding, be required to state for whom he has voted at any election.

Witnesses  
need not ap-  
pear on vo-  
ting day.

**161.** No elector, summoned as a witness before any judge or tribunal whatever in this Province, shall be compelled to be or appear before such judge or tribunal on the day during which voting takes place in the ward in which such elector is entitled to vote.

Elector may  
quit work to  
vote between  
certain hours.

**162.** On the day of a municipal election, any elector may quit his work on which he is employed in any capacity whatsoever from noon to two o'clock for the purpose of regis-

tering his vote, and it shall not be lawful for his employer to reduce his salary directly or indirectly on account of such absence.

§ 8.—*Counting the Ballot-Papers.*

**163.** At five o'clock in the evening the voting-room shall Close of poll. be closed, the voting shall cease and an entry thereof shall be made on the poll-book.

**164.** Immediately thereafter, the deputy returning officer shall, in the voting-room and in presence of the poll-clerk Counting the ballot-papers. and of the candidates or their agents, or, in the absence of any one of the candidates or his agents, in the presence of at least two electors representing each candidate, open the box containing the ballot-papers, and proceed to count the number of votes given for each candidate.

**165.** The deputy returning officer, on reading and counting the ballot-papers, shall reject; Rejected ballot-papers.

1. All ballot-papers which are not similar to those supplied by him;

2. All those by which it has been attempted by any mark to vote for more than one candidate on one ballot paper;

3. All those upon which there are any writings, marks, or indications by which the voter might be identified;

4. All those left in blank or marked in an uncertain manner;

5. All other ballot-papers which may have been presented to him but which do not have his initials thereon;

**166.** After the remaining ballot-papers have been counted and a list made of the number of votes given to each candidate and of the number of ballot-papers rejected, the deputy returning officer shall place in separate envelopes or parcels: Statement of ballot-papers.

1. The ballot-papers cast for each candidate;

2. The ballot-papers rejected by him;

3. The spoiled ballot-papers and those unused;

4. The annexes.

**167.** All these parcels, after having been endorsed so as to indicate their contents and initialed, shall be put back Documents to be placed in the box. into the ballot-box.

**168.** The deputy returning officer shall take a note of any objection to any ballot-paper found in the ballot-box, made by any candidate, his agent or any elector present, and shall decide at once any question arising out of the objection. Objections noted and decided.

His decision shall be final, and shall only be reversed on petition, questioning the election or return, or on a recount before the judge.

Objections to be numbered, &c.

**169.** Each objection shall be numbered, and a corresponding number placed on the back of the ballot-paper, and initialed by the deputy returning officer.

Entry in poll-book.

An entry at the end of the poll-book is made of each objection and its nature.

Statement of ballot-papers and votes.

**170.** The deputy returning officer shall make out a statement indicating the number of the :

1. Accepted ballot-papers ;
2. Votes given to each candidate ;
3. Rejected ballot-papers which can not be assigned to any candidate ;
4. Spoiled and returned ballot-papers ;
5. Ballot-papers which have not been used and which are returned by him ; and
6. Number of names voted upon more than once.

Original to be placed in the ballot-box.

**171.** This statement shall be written out at length and in figures at the end of the poll-book, and shall be signed by him and his clerk, and by such agents of the candidates who wish to sign it ; a similar one, signed in the same manner, shall be made and deposited in the ballot-box, and another which shall be given to the returning officer ; and he shall deliver copies thereof, gratuitously, to one of the agents of each of the candidates, or to one of the electors (representing each candidate) who took part in the counting of the ballots and who may ask for it.

Oaths of deputy returning officer and poll-clerk. Before whom taken.

**172.** The deputy returning officer and the poll-clerk shall respectively take the oaths according to forms No. 20 and No. 21, each taking the oath proper to him.

The deputy returning officer may take such oath before the poll-clerk.

Documents to be placed in the ballot-box.

**173.** He shall also place in the ballot-box all the lists of electors used by him, after having written at the foot of each of such lists a statement certifying the total number of electors who voted on such list.

The poll-book, his commission, that of the poll-clerk, their oaths of office, the unused ballot-papers, and all other lists or documents that may have been used or required at such election, shall also be placed, by the deputy returning officer, in the ballot-box.

Delivery of the box.

The ballot-box shall then be locked and sealed in the presence of the same witnesses, and shall be returned without delay to the returning officer or to the election-clerk by the deputy returning officer personally or the poll-clerk.

Secrecy at counting.

**174.** Every election officer, candidate, agent or elector in attendance at the counting of the votes, shall maintain and aid in maintaining the secrecy of the voting ; and none of

such persons shall attempt to ascertain at such counting the name of the voter whose vote is given by any particular ballot-paper, or communicate to any person whatever any information obtained at such counting in relation thereto.

**175.** Whosoever shall act in contravention of any provision of the foregoing article shall be punishable by a penalty not exceeding \$200.00 and an imprisonment not exceeding six months in default of payment. Penalty for contravention.

§ 9.—*Close of the Election*

**176.** The returning officer, immediately after having received all the ballot-boxes, shall proceed to open them, in the presence of the election-clerk and of one other witness, as also in the presence of the candidates or their respective agents who have been notified by registered letter of the day, hour and place, at which the boxes shall be opened, and shall add up and ascertain the number of votes given for each candidate, from the statements found in the several ballot-boxes returned by the deputy returning officers in accordance with article 171, and if no statement is found in any ballot-box, then the returning officer shall ascertain the number of votes given for each candidate from the statement furnished him by the deputy returning officer in accordance with article 171 and not by any other document, saving the following provisions. Opening of the ballot-boxes by the returning officer and counting of the

**177.** If the ballot-boxes, or any of them, have been destroyed or lost or are not forthcoming, the returning officer shall, without adjourning, unless it is from day to day, ascertain, with all possible diligence, the cause of the disappearance of such ballot-boxes, and shall procure from the deputy returning officer whose box is missing, or from any other person having the same, the lists, statements and certificates required by this act, or copies thereof. Loss of boxes.

Each of such documents shall be verified on oath taken before the returning officer. Verification of documents.

**178.** If, in the case of the preceding article, the lists, statements or certificates or copies thereof cannot be obtained, the returning officer shall ascertain, by the best evidence which he may be able to obtain, the total number of votes given to each candidate at the several polls where ballot-boxes or documents are missing. Manner of ascertaining number of votes given in such case.

**179.** In the case of the two preceding articles, the returning officer shall state, in his return, the circumstances attending the disappearance of the boxes and documents, and the means adopted by him to establish the number of votes polled for each candidate. Report of returning officer in such case.

Candidate  
elected.

**180.** The candidate who, on the final summing up of the votes after the same have been ascertained and determined in the manner hereinbefore provided, shall be found to have a majority of votes, shall be then declared and proclaimed elected.

Casting vote  
of the return  
ing officer.

**181.** When, on the final addition of votes, an equality of votes is found to exist between the candidates, and the addition of a vote would entitle any one of such candidates to be declared elected, it shall be the duty of the returning officer immediately to give, in presence of the election-clerk and of the witness, such additional or casting vote, by declaring in writing, signed by himself, for whom he votes.

Otherwise has  
no right to  
vote.

In no other case shall the returning officer have the right to vote.

#### § 10.—*Recount before a Judge*

Recount of  
votes before  
the judge in  
certain cases.

**182.** In case it be made to appear, within four days after that on which the returning officer has made the final addition of the votes for the purpose of declaring the candidate elected, upon petition, supported by the affidavit of any credible witness, to a judge of the superior court in the district of Montreal, that a recount may change the result of the election as announced by the returning officer; and in case the applicant deposits, within the same period of four days, with the prothonotary of the superior court, the sum of fifty dollars, as security, in respect of the recount, for the costs of the candidate appearing by the addition to be elected, the said judge shall appoint a time, within four days after the receipt of the said affidavit by him, to recount the votes, and to make the final addition thereof.

Notice to can-  
didates, &c.

**183.** The judge, shall himself, immediately, give notice in writing, served upon the candidate, in the usual manner or in any manner which he may order, of the day, hour and place at which he will proceed to recount the votes and to make such final addition thereof, and shall summon and command the returning officer and his election-clerk, and order them to attend then and there with the parcels used at the election; which command the returning officer and his election-clerk shall obey, the whole in the most expeditious manner, so that in any event the recount may be held.

Persons pres-  
ent at recount.

**184.** The judge, the returning officer and his election-clerk, and each candidate and agent authorized to attend such recount of votes, or, in case any candidate cannot attend, then not more than one agent of such candidate, and, if the candidates and their agents are absent, then at least three electors shall be present at such recount of votes.

**185.** At the time and place fixed, the judge, commencing and proceeding in alphabetical or numerical order of the polls, recounts all the ballot-papers returned by the several deputy returning officers, and, in the presence of the aforesaid persons, if they attend, opens the sealed packets containing:

Formalities required for recount.

1. The used ballot-papers which have been assigned to each candidate ;
2. The rejected ballot-papers ;
3. The spoiled ballot-papers.

**186.** The judge shall, as far as practicable, proceed with such recount of votes, continuously, except on Sundays and other non-juridical days, allowing only time for refreshments, and excluding (except so far as he and the aforesaid persons agree) the hours between six o'clock in the evening and nine on the succeeding morning.

Day and hour on which recount shall take place.

**187.** During the excluded time and recess for refreshments, the said judge shall place the ballot-papers and other documents relating to the election in a sealed envelope, under his own seal and the seals of those of the other persons who desire to affix their seals, and shall otherwise take the precautions necessary for the security of such ballot-papers and documents.

Packets to be sealed during adjournment.

**188.** The judge shall proceed to recount the votes according to the rules set forth in article 165, and shall verify or correct the count of the ballot-papers and statements of the number of votes given for each candidate, by deciding the objections without delay, and as they are made.

Rules for recount of votes.

The judge may take communication of all poll-books, statements and other documents used at the election to facilitate his decisions and may admit and count any rejected ballots which by error may have been placed in the parcel of spoiled ballots.

Power of judge.

**189.** Upon the completion of such recount, or so soon as he has thus ascertained the true result of the poll, he shall seal up all the said ballot-papers in separate packets, and shall forthwith certify the result to the returning officer, who shall then proclaim elected the candidate having the highest number of votes.

Ballot-papers to be sealed up thereafter.

In case of an equality of votes the returning officer shall give his casting vote, as provided in article 181.

Certificate of result.

Casting vote of returning officer.

**190.** In case the recount or addition does not so alter the result of the poll as to affect the election, the judge shall order the costs of the candidate, appearing to be elected, to be paid by the applicant ; and the deposit shall be paid over

Costs of recount.

to the said candidate, on account thereof, so far as necessary, and the judge shall tax the costs on giving his decision ;—if the deposit be insufficient, the party in whose favor costs are allowed shall have his right of execution for the balance.

### § 11.—Miscellaneous

Documents to be kept by returning officer for certain time.

**191.** The city-clerk shall retain in his possession all the papers transmitted to him by any deputy returning officer, for at least one year, if the election or return be not contested during that time ; and if the election or return be contested, then for at least one year after the termination of such contestation.

Copies may be delivered by him of all documents, except ballot-papers, on payment of fees. Copies to be proof.

**192.** He shall deliver, on application to that end, and on payment of a fee of ten cents per hundred words, certified copies of all poll-books, reports, returns or other documents, except ballot-papers, in his possession concerning any election.

Each copy thus certified shall be *prima facie* proof before every judge, election court, and tribunal in the Province.

Inspection of ballot-papers by order of judge.

**193.** No person shall be allowed to inspect any ballot-papers in the custody of the city-clerk, or to obtain the production thereof, except under a rule or order of the superior court or a judge thereof, and subject to the conditions imposed by him.

Granting of order.

**194.** Such rule or order shall be granted by such court or judge, upon evidence under oath, that the inspection or production of such ballot-papers is required for the purpose of instituting or maintaining a prosecution for an offence in relation to such ballot-papers, or for the purpose of preparing or sustaining a petition questioning an election or return.

Conditions of order.

**195.** Any order for the inspection or production of ballot-papers must be made subject to such conditions as to persons, time, place and mode of inspection or production, as the court or judge may think expedient, and the candidates shall be notified of the day and hour fixed for the examination.

Effect thereof.

**196.** Each such rule or order shall be final and without appeal, and shall be obeyed by the clerk under pain of punishment for contempt of court.

Errors and omissions which do not annul election.

**197.** No election shall be declared invalid by reason of :

1. Non-compliance with the formalities contained in this act, as to the proceedings connected with the voting or the counting or summing up of the votes ; or

2. Any mistake in the use of the forms annexed to this act.



**198.** If it appear to the tribunal having cognizance of the question, that the election was conducted in accordance with the principles laid down in this act and that such non-compliance or mistake did not affect the result of the election, the election shall not be set aside.

Election not to be set aside in certain event.

§ 12.—*Provisions applicable to the various Election Officers*

**199.** Any returning-officer, election clerk, deputy returning officer, or poll-clerk, who refuses or neglects to perform any of the obligations or formalities required of him by this charter, shall, for each such refusal or neglect, be liable to a penalty of \$200.00, and imprisonment for six months in default of payment, except in the cases otherwise provided for.

Penalty for refusal or neglect.

**200.** The returning officer, at any election, shall have the power of administering all oaths or affirmations required by this charter, with respect to such election.

Oath administered by the returning officer ;

**201.** Every deputy returning officer shall also have the power of administering such oaths and affirmations.

By deputy returning officer.

**202.** Every returning officer who wilfully delays, neglects or refuses to declare and proclaim elected any person by law entitled to be declared and proclaimed elected mayor or alderman, is subject to a penalty of \$1,000.00 ; the recourse at law against such returning officer for all damages sustained by such person by reason thereof being reserved to such person, in case it has been determined, on the hearing of an election petition, that such person was entitled to have been declared and proclaimed elected.

Penalty on returning officer neglecting to declare candidate elected.

**203.** Whoever aids, counsels or solicits the commission of such offence or becomes an accomplice, is liable to a similar fine.

Accessories.

**204.** The action, however, for the recovery of such damages and fine must be commenced within one year after the commission of the act on which it is founded, or within six months after the conclusion of the proceedings relating to the contestation of the election.

Prescription of suit.

§ 13.—*Maintenance of peace and good order*

**205.** Every returning officer and every deputy returning officer, from the time they shall respectively have taken the oath of office until the day after the closing of the voting, shall be conservators of the peace, and be invested with all the powers appertaining to a justice of the peace.

Returning officer and deputy returning officer conservators of the peace.

Bound to  
maintain  
good order.

**206.** They are empowered and bound to maintain peace and good order throughout the city during the election.

May require  
aid and swear  
constables.

**207.** The returning officer or deputy returning officer may require the assistance of all justices of the peace, constables or other persons present, to aid him in maintaining peace and good order at such election; he may also, on a requisition made in writing by any candidate, or by his agent, or by any two electors, swear in such special constables as he deems necessary.

Arrest of  
offenders.

**208.** The returning officer or deputy returning officer may arrest, or cause to be arrested, by verbal order, and placed in the custody of any constables or other persons, any persons disturbing the peace and good order at the election, or may cause such persons to be imprisoned, under an order signed by him, until any period not later than the close of the voting.

Arms may be  
required to be  
delivered to p.

**209.** The returning officer or deputy returning officer may, during the nomination day and polling day, require any person, within half a mile of the place of nomination or of the poll, to deliver to him any weapon, firearm, sword, staff, bludgeon or other offensive weapon in the hands or possession of such person.

Fine.

Every person refusing to deliver such weapons shall be liable to a penalty of \$100.00, and imprisonment for three months in default of payment, and, if there is any danger of their being used to disturb the election, such person may be arrested and treated in accordance with the preceding article.

Entering pol-  
ling division,  
&c., with  
arms forbid-  
den.

**210.** No person, who is not domiciled within the limits of a voting subdivision or ward of the city, shall be permitted to enter such voting subdivision or ward, with any kind of offensive weapons whatsoever, such as firearms, swords, staves, bludgeons or other similar weapons.

Approaching  
polls with  
arms forbid-  
den.

**211.** All persons are alike forbidden, within the voting subdivision or ward, to arm themselves during the day of voting with any offensive weapon, and thus armed to approach within a distance of one mile of the place where a poll is being held, unless called upon so to do by lawful authority.

Exception for  
officers.

The prohibitions mentioned in articles 210 and 211 shall not apply to the returning officer, or to the election-clerk, or to the deputy returning officer or poll-clerk, or to the constables or special constables at any election.

Furnishing  
flags, &c.,  
forbidden

**212.** No candidate or other person shall furnish, or give to any person whomsoever any flag, standard, banner, distinctive color, ribbon, signal, cockade, or anything of such

nature, to the end that the same may be carried or used within any ward of the city, between the eighth day before the nomination day and the day following the close of the voting, as a banner or party signal, distinguishing the bearer or his followers as partisans of such candidate, or holding the same opinions or the opinions supposed to be held by such candidate.

**213.** No person, upon any pretense whatever, shall carry any flag, standard, ensign, banner, distinctive colors, ribbon, signal, cockade, or any other similar thing, nor shall the same be used as a banner or party sign within the limits of the city, from the day of nomination until the day after the close of the voting. Carrying them forbidden.

**214.** No candidate shall, at any election, nor shall any other person, at the expense of such candidate, provide or furnish drink, or other refreshments or meal, to any elector, for the purpose of influencing him during such election, or pay for, procure or engage to pay for any such drink or other refreshments or meal. Treating forbidden.

**215.** Every person offending against any of the provisions of articles 212, 213 and 214, shall incur a fine not exceeding \$200.00, and imprisonment, not exceeding six months, in default of payment, or both together. Penalties.

**216.** Every bar in any hotel or club, every hotel, tavern, shop, or store, whether licensed or not, in which spirituous or fermented liquors or drinks are ordinarily sold, shall be closed during the day of voting up to the closing of the poll in the voting subdivisions or wards of the city in which the polls are held, under penalty of \$200.00 and imprisonment for six months in default of payment. Hotels, &c., to be closed

**217.** No spirituous or fermented liquors or drinks shall be sold or given to any person whomsoever, within the limits of a voting subdivision or ward of the city, during the said period, under a penalty of \$200.00 and imprisonment for six months in default of payment. Sale, &c., of liquor forbidden.

**218.** On the day of the polling, until the closing of the poll, it is prohibited, within any ward of the city in which an election is held, under a penalty of imprisonment of one month at least and six months at most, either to sell for a price in money or in exchange for any article whatever, or lend or deliver, or gratuitously supply any quantity whatever of spirituous or fermented liquor; the only exception to this provision, (the burden of proof whereof is upon the accused), is established in favor of the sick, in which case the liquor can only be sold, lent, delivered or supplied upon Liquor not to be supplied during certain days. Exception for the sick.

the certificate of a priest or minister of some religious denomination, or of a doctor ; and whoever shall give or deliver a false certificate in respect thereof shall be liable to a fine of \$100.00 and, in default of payment, to imprisonment of one month.

Liquor not to be brought into ward during an election.

**219.** During the days and hours mentioned in article 218, and under the same penalties, but subject to the same exceptions in case of sickness, it is forbidden to cause to be brought or transported, or to bring or transport, within the limits of any ward of the city from one place to another within the said limits, any quantity whatever of spirituous or fermented liquor.

Exception for merchants, &c.

This provision shall not affect the sale, transport, delivery or purchase of spirituous or fermented liquor, made in good faith and in the ordinary course of affairs by a merchant or trader ; provided always, that the cases, casks, bottles, or envelopes containing the said liquor be not open, broken or unclosed during the days and hours above mentioned.

Penalty on drunken persons disturbing public order.

**220.** During the days mentioned in article 218, whoever is found under the influence of liquor and consequently disturbing public order in or on any street, lane, road, by-road, or public square, or in any hotel, restaurant, tavern or place of public resort whatever, within the limits of the city is liable to an imprisonment of thirty days at most.

Certain places not to be used as committee room, &c.

**221.** It is prohibited to lease or let, as a place of assembly for an election committee or election meeting, any house, part of a house or place in which are retailed spirituous or fermented liquors, or in which food or liquor is ordinarily supplied for payment, or to make use of any such houses or places for that purpose, under penalty of a fine of \$100.00 and of an imprisonment of three months in default of payment.

#### § 14.—*Corrupt Practices, Bribery and Election Expenses*

Corrupt practice defined.

**222.** Any act or offence punishable under any of the provisions of articles 223, 224, 226, 227, 228, 229, 231, 232, 233, 235, 236, 237, 238, 239, 240, 242, 243, 245, or 247, also the payment of money or other valuable consideration, made to any elector to engage him to work, or for working or for having worked as a canvasser, provided the same is made with a corrupt intent with respect of the election, shall be a corrupt practice within the meaning of this act.

Bribery.

**223.** Every person shall be deemed guilty of bribery and shall be punishable accordingly :

Gift, loan, &c., for the purpose of indu-

(a). Who, directly or indirectly, by himself or by any other person or his behalf, gives, lends or agrees to give or lend, or

offers or promises any money or valuable consideration, or promises to procure or endeavors to procure any money or valuable consideration to or for any elector, or to or for any person on behalf of any elector, or to or for any person, in order to induce any elector to vote or to refrain from voting, or corruptly does any such act as aforesaid on account of such elector having voted or refrained from voting at any election ;

(b) Who, directly or indirectly, by himself or by any other person on his behalf, gives or procures, or agrees to give or procure, or offers or promises any office, place or employment, or promises to procure, or endeavors to procure any office, place or employment, to or for any elector, or to or for any other person in order to induce such elector to vote or to refrain from voting, or corruptly does any such act as aforesaid, on account of any elector having voted or refrained from voting at any election ;

(c) Who, directly or indirectly, by himself, or by any other person on his behalf, makes any gift, loan, offer, promise, or agreement as aforesaid, to or for any person, in order to induce such person to procure or endeavor to procure the return of any candidate to serve as mayor or alderman in the council, or the vote in his favor of any elector at any election ;

(d). Who, upon or in consequence of any such gift, loan, offer, promise, or agreement, procures or promises, or endeavors to procure the return of any candidate as mayor or alderman in the council, or the vote in his favor of an elector at any election ;

(e) Who advances or pays, or causes to be paid any money to or to the use of any other person, with the intent that such money or any part thereof shall be expended in bribery or corrupt practices, at any election, or who knowingly pays or causes to be paid any money to any person in discharge or payment of any money wholly or in part expended in bribery or corrupt practices at any election and prohibited by law at any election.

**224.** Whoever, immediately previous to and during an election and by reason thereof, with a view of promoting it and securing votes, or of interfering with the freedom and sincerity of the votes of the electors or of the electorate, causes temporary work to be performed by paid electors whom he employs, is guilty of corrupt practice and liable to a fine of \$400.00 and an imprisonment of six months in default of payment.

Every elector who participates in such work becomes incapable *ipso facto* of voting at that election.

**225.** Nevertheless, the actual personal expenses of any candidate, his expenses for professional services really rendered, and reasonable sums paid in good faith for the actual

value of necessary printing and advertisements, the expenses for stationery, postages, telegrams; those for a clerk, writer, copyist, driver employed by him, and the necessary petty disbursements made in cash, of all which he daily keeps an account, shall be deemed to be expenses lawfully incurred, the payment whereof shall not constitute a breach of this act; provided always that they are not made with any corrupt intention respecting the election.

Bribery :

**226.** Every person shall be deemed guilty of bribery and shall be punishable accordingly :

Electors, &c.,  
receiving —  
gifts before,  
or during an  
election ;

1. Who, being an elector or voter, before or during any election, directly or indirectly, by himself or by any other person on his behalf, takes, receives, agrees or contracts for any money, gift, loan, or valuable consideration, office, place or employment, for himself or any other person, for voting or agreeing to vote, or for refraining or agreeing to refrain from voting at any election ;

Or after an  
election.

2. Who, after any election, directly or indirectly, himself or by any other person on his behalf, takes or receives any money, gift, loan or valuable consideration, office, place or employment, for having voted or refrained from voting, or having induced any other person to vote or to refrain from voting at any election.

Bribery in re-  
lation to a  
candidate.

**227.** Every person shall be deemed guilty of bribery and shall be punishable accordingly, who, to induce a person to allow himself to be nominated as a candidate, or to refrain from becoming a candidate, or to withdraw, if he has so become :

1. Shall give or lend money or any valuable consideration whatever, or shall agree to give or lend, or shall offer or promise, or shall promise or try to procure for such person or for any other person, any money or valuable consideration whatever ; or

2. Shall give or procure any office, place or employment, or shall agree to give or procure, or shall offer or promise, or shall promise to procure or endeavor to procure such office, place or employment for such or any other person.

Receiving  
money to be  
or not be can-  
didate is  
bribery.

**228.** Whosoever, in consideration of any gift, loan, offer, promise or agreement, as mentioned in the preceding article, shall allow himself to be nominated, or refuse to allow himself to be so nominated, or shall agree not to allow himself to be nominated, or shall withdraw if he has been so nominated, shall be deemed guilty of bribery and be punishable accordingly.

Wagers for-  
bidden.

**229.** Any elector who takes any bet or wager concerning or in relation to any election, in the ward where he is an

elector and any other person who furnishes money for such purpose, shall be deemed guilty of bribery, and shall be punished accordingly.

**230.** Any person guilty of any of the acts of bribery mentioned in articles 223, 226, 227, 228 and 229 shall be liable to a penalty of not less than \$200.00 nor more than \$400.00, and imprisonment for not less than six months nor more than twelve months, with or without hard labor, and also an imprisonment of six months in default of payment. Penalty.

**231.** Every candidate, who, corruptly, by himself or by or with any person, or by any other ways or means on his behalf at any time, either before, during or after any election, directly or indirectly, gives or provides, or causes to be given or provided, or is accessory to the giving or providing, or pays, wholly or in part, any expenses incurred for any meat, drink, refreshments or provisions for any person, whether an elector or not, in order to be elected or for being elected, or for the purpose of corruptly influencing such person to give or refrain from giving his vote at such election, shall be deemed guilty of the offence of treating, and shall be liable to imprisonment for one month at most and a penalty of \$200.00, and imprisonment for six months in default of payment, in addition to any other penalty to which he is liable under any other provision of this charter. Treating by candidate. Penalty.

**232.** Every elector, who, with a corrupt motive, accepts or takes any such meat, drink, refreshments or provisions, is also guilty of the offence of treating, and is liable to a fine not exceeding \$50.00 and not less than \$10.00, and an imprisonment of three months in default of payment. Penalty on elector accepting drinks, &c.

**233.** The giving, or causing to be given, to any elector on the nomination day, the day of voting or on the next following day, on account of such elector having voted or being about to vote, any meat, drink or refreshments, or any money or ticket to enable such elector to procure refreshments, shall be deemed an act of corruption, known as treating. Treating by third persons.

Whosoever shall have been guilty of such act of treating shall, for each offence, be liable to a penalty of \$10.00 and imprisonment of one month in default of payment, for each time and for each elector treated, in addition to the other penalties enacted by this charter. Penalty.

**234.** On the trial of an election petition, there shall be struck off, from the number of votes given for such candidate, one vote for every person who shall have so voted, and Votes struck off.

is proved on such trial to have corruptly accepted or taken any such meat, drink, refreshments or provisions.

Penalty on  
elector ac-  
cepting  
drinks, &c.

**235.** Every elector who accepts or takes, during the prohibited time, any such meat, drink, refreshments or provisions, or any money or note to enable him to obtain the same, because he is about to vote or has voted, is guilty of the offence of treating, and is liable to a fine of \$10.00, and imprisonment for one month in default of payment, for each time he was so treated.

Penalty.

Double pen-  
alty in cer-  
tain cases.

The penalty is double if the offence is committed at a meeting of electors and before it has dispersed, subject always to all the other penalties enacted by this charter.

Treating.

**236.** Every person, who, corruptly, by himself or by or with any person, or by any other way or means, in the interest of any candidate, at any time, either before, during or after any election, directly or indirectly, gives or provides, or causes to be given or provided, or is accessory to the giving or providing, or pays, wholly or in part, any expenses incurred for any meat, drink, refreshments or provisions to any person, for the purpose of aiding any candidate to be elected, or because any such candidate was elected, or for the purpose of corruptly influencing such person or any other person, to give or abstain from giving his vote at such election, shall be deemed guilty of the offence of treating, and shall be liable to a fine of \$200.00, and an imprisonment of six months in default of payment, or both together, with or without hard labor, in addition to all other penalties enacted by this charter.

Penalty.

Proviso.

However, nothing contained in the five preceding articles shall prevent any person from receiving in his own house, at his table, in the usual manner, and at his own expense, such electors as he invites to his house.

Undue influ-  
ence.

**237.** Every person shall be deemed to be guilty of the offence of "undue influence," and shall be punishable accordingly by a penalty of \$200.00, and imprisonment for six months in default of payment, and of imprisonment for six other months in addition in the discretion of the court, with or without hard labor :

Penalty.

Threats.

1. Who, directly or indirectly, by himself, or by any other person on his behalf, makes use of, or threatens to make use of any force, violence, or restraint, or inflicts, or threatens the infliction, by himself or by or through any other person, of any injury, damage or harm to his person or property, or loss of employment, or in any manner practices intimidation upon or against any person, in order to induce or compel such person to vote or refrain from voting, or on account of such person having voted or refrained from voting at any election ;



**2.** Who, by abduction, duress, artifice, false information, or any fraudulent device or contrivance, impedes, prevents, or otherwise interferes with the free exercise of the franchise of any elector, or thereby compels, induces or prevails upon any elector either to give or refrain from giving his vote at any election or prevents him from going to vote.

Interference  
with free  
franchise.

**238.** Every person, who, directly or indirectly, or in any manner, induces or constrains, or attempts to induce or constrain any one to take a false oath, in any matter in which an oath is required in virtue of this charter, shall for the purpose thereof, over and above any other punishment to which he may be liable for such offence, be liable to a fine of \$200.00, and an imprisonment for six months in in default of payment, and another imprisonment of six months in the discretion of the court, with or without hard labor.

Intimidation.

Penalty.

**239.** Every person who agrees to take or takes any such false oath is liable to the same fine and penalty, in addition to any other penalty to which he is exposed for such offence.

Penalty on  
persons  
agreeing to  
take false  
oath.

**240.** Every person shall be deemed to be guilty of the offence of "personation," and shall be punishable accordingly by a penalty of \$500.00, and imprisonment for six months in default of payment, in addition to an imprisonment not exceeding six months, with or without hard labor :

Penalty for  
personation.

1. Who, during the voting at an election, applies for a ballot-paper, or presents himself to vote, in the name of some other person, whether such name be that of a living, dead, or fictitious person ;

2. Who, having already voted at an election, applies during the same election for another ballot-paper in his own name or presents himself again to vote at the same or any other poll-house ;

3. Who aids, abets, incites, counsels or facilitates the commission, by any person whomsoever, of any infraction of the provisions of this article.

**241.** Every person who is guilty of any of the infringements mentioned in paragraphs 1 and 2 of the foregoing article, may be arrested on view or on a warrant by the returning officer, a justice of the peace, an officer of the peace or a constable, and be taken to and kept in a police station or in the common gaol of the district of Montreal, until the election is over or until bail be given that such person so arrested shall appear to answer unto the charge to be brought against him respecting such act before the recorder's court.

Arrest on  
view, &c., of  
offenders, &c.,  
against pre-  
ceding ar-  
ticles.

Conveyance  
of voters.

**242.** The hiring or promising to pay or paying for any horse, team, carriage, cab or other vehicle, by any candidate or by any other person on his behalf, to convey electors to or from the poll, or to or from the neighborhood thereof, at any election, or the payment by any candidate, or by any person on his behalf, of the traveling and other expenses of any elector, in going to or returning from any election, are unlawful acts.

Penalty.

Whosoever so offends shall be liable to a fine of \$100.00, and imprisonment for three months in default of payment.

Hiring of ve-  
hicles.

**243.** Whosoever lets or takes to hire any horse, cab, cart, waggon, sleigh, carriage or other conveyance for any candidate or for any agent of a candidate, for the purpose of conveying electors to or from the polls, shall, for every such offence, be liable to a penalty of \$100.00, and imprisonment for three months in default of payment.

Penalty.

Loss of right  
to vote.

**244.** Every elector who, at any election, shall have been guilty of any corrupt practice, prohibited by this act, or who shall have been a party to the commission of such act, shall, *ipso facto*, be deprived of his right to vote at such election.

Voting when  
not qualified.

**245.** Every person who votes, or induces and causes any other person to vote at any election, knowing that he or such person is not entitled to vote thereat, is guilty of a corrupt practice and liable to a fine of \$100.00, and an imprisonment of one month in default of payment, with, in addition, an imprisonment not exceeding one month with or without hard labor.

Penalty.

Votes struck  
off.

**246.** At the trial of any election petition, one vote for each person proved to have voted, after having been guilty of any corrupt practice, at the instigation of the candidate or of any other person acting in the name or in the interest of such candidate, shall be struck from the number of votes given in favor of such candidate.

Penalty on  
person pub-  
lishing false  
rumor as to  
resignation of  
candidate.

**247.** Any person who, before or during any election, knowingly publishes any false rumor or false statement of the withdrawal of a candidate at such election, for the purpose of promoting and procuring the election of another candidate, is guilty of a corrupt practice within the meaning of this act.

Election not  
to be avoided  
in certain  
case.

Nevertheless, a candidate shall not be liable for any such corrupt practice provided for under this article, committed by another person, nor shall his election be avoided on account of such corrupt practice, unless, however, it has evidently changed the result of the election and fraudulently deceived the electorate.

**248.** Every contract, promise, or undertaking, in any way referring to, arising out of, or depending on any election under this charter, even for the payment of lawful expenses, or the doing of some lawful act, shall be void in law, and no action shall lie even for the recovery of the value of any supplies or services whatever. Nullity of certain contracts.

This provision shall not however enable any person to recover any money or other consideration paid for lawful expenses connected with such election. Proviso.

**249.** If it is proved before any court or judge, for the trial of election petitions, that any corrupt practice has been committed, by or with the actual knowledge and consent of any candidate at an election, his election, if he has been elected, shall be void. Consequence of commission of corrupt practice by a candidate.

**250.** Such candidate shall, during the three years next after the date of such decision, be incapable of being elected to, or of sitting in the council, or of voting at any election of a member thereof. Incapacity for three years.

**251.** If it appears to the said court that the act committed is under the letter of the law a corrupt practice, but is of no gravity and could not have affected the result of the election, and that it is proved that the candidate had, in good faith, as far as possible, taken all reasonable precautions to honestly carry out the election according to the prescriptions of law, the election of such candidate shall not be annulled. If corrupt practice committed ignorantly.

**252.** No person has any right to vote nor shall he vote more than once for the election of mayor or any alderman, at any election held in virtue of this charter. One vote only.

**253.** Any person, other than a candidate, found guilty, in virtue of the provisions of this charter, before a competent court, of any corrupt practice in any legal proceeding in which, after notice of the charges, he has had an opportunity of being heard, shall, during the three years next after the time when he is so found guilty, be incapable of being elected to and of sitting in the city council and of voting as an elector therefor. Incapacity for three years of persons convicted of corrupt practices.

**254.** If, at any time, after any person has become disqualified under any of the provisions of articles 250 and 253, the witnesses or any of them, on whose testimony such person has so become disqualified, are convicted of perjury in respect of such testimony, such person may obtain, from the court before which such conviction took place, an order determining that such disqualification shall cease and end. Cessation of incapacity.

**Order of the court.** Such court shall, upon being satisfied that such disqualification would not have been declared except for such perjury, make such order.

**Effect thereof.** In pursuance of such order, such disqualification shall thenceforth cease and end.

**Summons to a person appearing to have been guilty.** **255.** Whenever it appears to the court or judge, trying an election petition, that any person has contravened any of the provisions of this charter, such court or judge shall order that such person be summoned to appear before such court or judge, at the place, day and hour fixed in the summons for hearing the charge.

**How effected.** **256.** The summons is effected by a notice signed by the judge containing a summary statement of the offence, with an indication of the circumstances of time, place and person concerned and served upon the accused by a bailiff. The delay upon the summons is the same as in an action before the superior court.

**Default to appear.** **257.** If, at the time fixed by the summons, the person summoned does not appear, he shall be condemned, on the evidence already adduced on the trial of the election petition, to pay such fine or undergo such imprisonment in default of payment to which he may be liable for such contravention, in conformity with this charter.

**Appearance.** **258.** If, on the contrary, the person so summoned does appear, the court, after hearing such person and such evidence as may be adduced, shall give judgment according to law.

**Proceedings summary.** **259.** The proceedings upon the hearing of the complaint are summary, and made within the delays to plead and hear the witnesses as fixed by the court or judge.

**To whom penalty belongs.** **260.** All fines recovered under articles 255, 256, 257 and 258 belong to the city.

**When no penalties are to be imposed.** **261.** No fine shall be imposed under article 257 or 258 :  
 1. If it appears to the judge or court that the offender has already been prosecuted for the same offence : or  
 2. If the evidence or admission of the offender is the only proof of the offence.

### § 15.—Offences and Penalties

**General penalty.** **262.** Every person found guilty of a corrupt practice shall, when no other penalty is enacted by this charter, be liable to a fine of \$200.00 and, in default of payment,

to an imprisonment of three months, and moreover, in the discretion of the court, to an imprisonment not exceeding two months, with or without hard labor.

**263.** Every person shall be liable to a penalty not exceeding \$500.00 and imprisonment for twelve months in default of payment : Penalty for :

(a) Who, illegally or maliciously, either by violence or stealth, takes from a returning officer, deputy returning officer, or poll-clerk, or from any officer or person having the lawful custody thereof, or from the place in which they are then lawfully deposited, any ballot-box, list of electors, copy of or extract from any list of electors, poll-book, report, certificate, affidavit, or other document or paper prepared or drawn up in conformity with this charter, or in compliance with any of the provisions thereof ; or Illegally taking away ballot-boxes, lists &c. ;

(b) Who illegally or maliciously destroys, injures or obliterates them, or with deliberate purpose or maliciously causes them to be destroyed, injured or obliterated ; or Illegal destruction thereof ;

(c) Who makes, or causes to be made any erasure, addition or interpolation of names, in any such documents or papers ; or Illegal erasures &c., therein ;

(d) Who aids, abets or contributes to their being taken, destroyed, injured or obliterated, or to the making of erasures, additions, or interpolations of names therein. Aiding and abetting.

**264.** Every returning officer, deputy returning officer or other person intrusted with the issue of copies of lists of electors or who is the legal custodian or depositary of such lists, who knowingly makes any alteration, omission or insertion in such lists or certified copies, or falsifies them in any manner, incurs a penalty of \$200.00, and imprisonment for twelve months in default of payment, with or without hard labor. Returning officers, &c., altering lists, &c., liable to penalty.

#### § 16.—*Prosecutions*

**265.** Every prosecution, concerning a penalty imposed by section eighth of this charter, may be brought by any elector of the city, by an action of debt, before any court having civil jurisdiction for the amount demanded. No elector shall be disqualified from instituting any suit under this charter or any of its provisions, because of the illegality or informality of the electors' lists. Who may sue and before what court.

**266.** It shall be sufficient for the plaintiff in such action or prosecution to allege in the declaration that the defendant is indebted to him in the sum of money which he demands, that the offence, for which the action or prosecution is instituted, and which shall be fully described, has been committed, and that the defendant has acted in contravention of this charter. Allegations required.

**Affidavit.**     **267.** No such prosecution shall be instituted, unless, with the *præcipe* or demand of summons, there be produced an affidavit of the plaintiff, drawn up in accordance with form No. 22.

**Security may be required and proceedings stayed.**     **268.** The defendant in any such prosecution may, before pleading, obtain that all proceedings therein be stayed, until the party prosecuting do furnish such security as may be deemed necessary, in the discretion of the court or judge, or do deposit with the prothonotary of the court such sum of money as shall be fixed by the court or judge to pay the costs to be incurred in such suit.

**Parol evidence.**     **269.** At the trial of such suit, proof may be made by parol evidence.

**To whom the penalty shall belong.**     **270.** The amount of any penalty, which a defendant shall be condemned to pay, shall belong to the prosecutor, without prejudice to article 260.

**If person prosecuted has already prosecuted accomplice.**     **271.** When any person is prosecuted for any offence or violation of the provisions of this charter committed by him together with one or more persons, either as accomplices, abettors or receivers, or in any other manner, and such person has already prosecuted such accomplice or accomplices for the same offence, no fine, penalty or forfeiture can be pronounced or recovered against him for the same offence; but the benefit of this provision shall be denied him if it be shown to the court that such person was the principal in the offence and that he had commenced it.

**Obligation to answer.**     **272.** Saving the case of article 160, no person shall be excused from answering any question put to him in any action, suit or other proceeding before any judge, or commissioner, or any court, touching or concerning any election, or the conduct of any person thereat, or in relation thereto, on the ground that the answer to such question tends to expose him to any prosecution or condemnation under this or any other act.

**Protection.**     But no answer given by any such person shall be used to his prejudice in any civil proceeding against such person, if the judge, commissioner, or court has given to the witness a certificate that he claimed the right to be excused from answering on the aforesaid ground, and made full and true answer to the satisfaction of the judge, commissioner or court.

**Parties authorized to testify.**     **273.** In any action, suit or proceeding under this act, the parties themselves are authorized to testify and may be compelled so to do in the same manner as any witness, and

subject to the same exceptions, but no use can be made of such testimony outside of the case, in any other manner whatever.

**274.** Unless, for special reasons, the court deems it advisable to order otherwise, the party failing in any such prosecution shall bear the costs thereof, and, if such party be the defendant, the costs shall be payable over and above the penalty imposed. Costs.

If, however, the prosecution is abandoned or dismissed and the judge is of opinion that the same was maliciously brought for the purpose of harassing and annoying the defendant, and without a reasonable cognizance of the facts alleged, the judge may, on dismissing the same, condemn the plaintiff to pay double costs to the other party. Double costs in certain case.

**275.** Every action or prosecution brought in virtue of this section shall be instituted within six months next after the proclamation of the candidate for offences committed up to that time, and within twelve months for subsequent offences, from the date when they were committed and no later, unless the defendant has, by absconding, withdrawn himself from the jurisdiction of the court. Limitation of suits.

Such action or prosecution, once begun, shall be continued and prosecuted without wilful delays, and has precedence. Continuation of proceedings.

**276.** In the event of the suspension or delay at any stage of the proceedings, the judge or court, seized of the cause, may permit one or more persons to intervene and carry on such proceedings to judgment and execution; and, in that case, the penalty and costs shall belong to the intervening party, who shall cause the same to be levied. Intervention.

**277.** If it appears, by the return to the writ of execution or by the subsequent proceedings, that the defendant has no property, or that his property is insufficient to satisfy the judgment, such defendant shall, in virtue of a writ to that end, issued by order of the court or of any judge, be imprisoned during the whole period of time specified in the provision of this section under which the penalty is imposed. Imprisonment ordered in default of payment.

Nevertheless, the defendant may, unless liable to other imprisonment, procure his release, by paying in full the amount of the penalty, together with the costs incurred as well before as after judgment. Discharge.

**278.** When the commission of an infringement of this section is punishable by imprisonment alone, the prosecution may be instituted and judgment obtained and executed by any person making the complaint before a judge of the sessions of the peace, having jurisdiction and exercising his functions in the city. Prosecutions when offence punishable by imprisonment only.

## SECTION IX

## CONTESTED ELECTIONS

Form of proceeding on contestation.

**279.** Any person, qualified to vote at the election of mayor or alderman, may present to any one of the judges of the superior court, sitting in term or in vacation, a petition, (*requête libellée*.) complaining of the election and return of any person as mayor or alderman, at whose election he had a right to vote, and praying either for the annulling of such election and that a new election be ordered, or for the annulling of the election and for a judgment declaring some other person to be duly elected in the place and stead of the person returned.

Grounds of petition.

Such petition may be based upon all or any of the following grounds:

1. That the person returned did not receive the majority of legal votes at such election;
2. That he was not qualified to be elected as such mayor or alderman, as the case may be;
3. That he was guilty of corrupt practices prohibited by this act, either personally, or by an agent, with or without his authority, knowledge or sanction.

Contents of petition

To be supported by affidavit.

**280.** Such petition shall set forth in a succinct manner, the time, place and circumstances of any act, matter or thing, material to the conclusions of such petition; and the allegations thereof shall be supported by affidavit to the satisfaction of the judge, who shall thereupon cause a writ to be issued, summoning the person returned as being elected to appear on a day named therein to answer the said petition.

Delay to receive petition.

No such petition shall be received after the expiry of thirty days from the polling day for such election or, if no poll was held, after the expiry of thirty days from the day of nomination.

Security for costs.

**281.** Upon the return day of such writ or within three days thereafter, the contestant shall give security for costs, after notice to the defendant, in the form in which such security is ordinarily given before the superior court. But any sureties offered shall justify on oath as to their sufficiency to the extent of \$500.00.

Justification.

Sureties may be examined before judge.

They shall also be bound to answer before the judge in chambers all pertinent questions put to them by the defendant.

Case to be proceeded with summarily.

**282.** Upon security being given, the case shall be proceeded with, and disposed of in a summary manner, and, as far as practicable, as well with regard to the merits, as to all matters incidental thereto, shall be subject to the ordinary



rules of procedure prescribed by section two of chapter forty of the Code of Civil Procedure.

If, upon the issues, it is necessary to count, or to examine, or otherwise to deal with the ballot-papers used at the election, or to examine or deal with the poll-books or other documents connected therewith, or to summon the persons who have conducted the election or acted therein in any manner whatever, the court or judge shall, for such purposes, or any of them, have all the jurisdiction, power and authority vested in the court or any judge thereof in similar matters, by the Quebec Controverted Elections' Act, and its amendments.

Power of court, if ballots, &c., to be examined.

When any election under this charter is contested and the seat is not claimed for any candidate in or by any petition presented in accordance with this charter, no recriminatory allegations or evidence shall be allowed on behalf of the defendant.

Recriminatory allegations and evidence in certain cases.

No such election shall be contested in any other manner, or by any other procedure, than in the manner hereinbefore provided.

No other manner of contestation.

**283.** The judgment rendered on a petition under this act shall not be subject to appeal or revision before the superior court, sitting in review.

No appeal from judgment on petition.

**284.** It shall be the duty of the contestant to cause an authentic copy of the judgment upon the petition, to be served upon the city, by leaving a copy thereof with the city-clerk.

Service of copy of judgment upon city.

If, by such judgment, the election of the defendant is set aside and some other person declared duly elected, the latter shall be received and recognized by the council; but if the election contested be thereby adjudged to be annulled, the seat of the defendant shall be dealt with as vacant, and proceedings for a new election to fill such vacancy shall be forthwith taken, in accordance with the provisions of this charter.

Proceedings thereafter.

#### SECTION X

#### MEETINGS OF COUNCIL

**285.** The council shall meet regularly once a month, to wit: on the second Monday of each month.

Monthly meetings.

The members shall be notified thereof in the same manner as hereinafter provided for special meetings.

Notice thereof.

The meetings of the council shall be open to the public.

Meetings public.

**286.** The mayor may call a special meeting of the council when and as often as he may deem proper; such meeting may be convened upon verbal or written intimation from

Special meetings.

the mayor to the city-clerk, who shall thereupon issue a notice of meeting summarily specifying the business to be transacted at such meeting, and shall cause a copy of such notice to be served or sent by registered mail to every member, at his usual place of abode or business, at least two days prior to such meeting, and the mailing of a registered notice two clear days before such meeting shall be deemed equivalent to service of such notice.

Upon refusal  
of mayor,  
meeting may  
be called by  
five members.

**287.** In case the mayor at any time refuses to call a special meeting when deemed necessary by at least five members of the council, it shall be lawful for such members, by a requisition to the city-clerk duly signed by them, to order the meeting to be called, and upon such requisition the city-clerk shall issue a notice to the members in the manner mentioned in the preceding article, provided such requisition shall specify the business for which the meeting is called.

Business to  
be conducted  
at special  
meetings.

**288.** At such special meetings, no business but that specified in the notice shall be considered or disposed of, unless with the sanction of the mayor and of all the members of the council present.

Adjourned  
meetings.

**289.** If, at any special or monthly meeting, the business cannot be fully disposed of, it shall be lawful for the council to adjourn as often as may be deemed necessary for the consideration and disposal of the unfinished business; but, no new business shall be brought before or be considered at any such adjourned meeting.

Who pre-  
sides.

**290.** The mayor shall preside at all meetings of the council, and shall have a casting vote in case of an equality of votes, but shall not otherwise vote; should the mayor and acting mayor be absent from any meeting, the council shall choose another of its members to preside.

Vote of act-  
ing mayor,  
&c.

The acting mayor or any member presiding at a meeting of the council shall have the right to vote, but shall not have a casting vote in addition thereto.

Quorum.

**291.** One-third of the members of the council, exclusive of the mayor, shall constitute a quorum for the transaction of business, except as otherwise specially provided by this charter.

Majority to  
decide ques-  
tions.  
Exception.

**292.** At meetings of the council, the majority of the members present shall decide the questions and matters submitted thereto, except in those cases where a larger number of concurrent votes may be required by the rules of the council or the provisions of this charter.

**293.** The council may make and enforce rules and regulations for its internal government, and for the maintenance of order during its sittings. Rules and regulations.

**294.** The mayor shall maintain order and decorum during the sittings of the council; he may arrest or cause to be arrested, any one who may disturb the council during any sitting thereof, and have him placed in custody; and such person shall, for every offence, incur a fine not exceeding twenty dollars recoverable before the recorder's court. Maintenance of order and decorum.

**295.** The minutes of the meetings of council shall be drawn up and fairly entered in French and English, in a book to be kept for that purpose by the city-clerk, and, after being read and confirmed at the following meeting, shall be signed by the said city-clerk and by the mayor or the member who presides at such meeting, and they shall be open to the inspection of all rate-payers who wish to examine it. Minutes of proceedings.

**296.** All extracts from the book required to be kept by he preceding article, and all copies of entries therein, and, generally, all certificates, deeds and papers, certified or signed by the city-clerk, under the seal of the city, shall, in all courts of justice in the Province, be taken and received as *prima facie* evidence of the facts set forth in such extracts, copies, certificates, deeds and papers respectively. Extracts from minutes, &c.

#### SECTION XI

#### OFFICERS OF THE COUNCIL

**297.** The city council shall appoint such officers as it may deem necessary to carry into execution the powers vested in it by this charter, and shall grant them such salary or other compensation as it may think fit, and may prescribe and regulate by by-law the duties of such officers respectively, and, upon a vote of the absolute majority of the whole council, remove any chief of a department and appoint another in his place, provided that the comptroller or auditor cannot be dismissed from office, except upon a vote of two-thirds of the said council. Appointment of officers.  
Salary and duties.  
Removal of officers.  
Proviso.

**298.** The council shall exact such security for the due execution of the duties devolving upon the city-treasurer and all other officers of the city as it may deem necessary. Security required in certain cases.

#### SECTION XII

#### BY-LAWS

**299.** It shall be lawful for the city council to enact, repeal or amend, and enforce by-laws for the peace, order, good government, and general welfare of the city of Mont- General power to enact by-laws.

real, and for all matters and things whatsoever that concern and affect, or that may hereafter concern and affect the city of Montreal as a city and body politic and corporate, provided always that such by-laws be not repugnant to the laws of this Province or of Canada, nor contrary to any special provisions of this charter.

Extent of  
jurisdiction  
of council.

And for greater certainty, but not so as to restrict the scope of the foregoing provision or of any power otherwise conferred by this charter, nor to exceed the provisos herein above-mentioned, it is hereby declared that the authority and jurisdiction of the said city council extends, and shall hereafter extend to all matters coming within and affecting or affected by the classes of subjects next hereinafter mentioned, that is to say :

1. The raising of money by taxation ;
2. The borrowing of money on the city's credit ;
3. Streets, lanes, and highways, and the right of passage above, across, along, or beneath the same ;
4. Sewers, drains, and aqueducts ;
5. Parks, squares, and ferries ;
6. Licenses for trading and peddling ;
7. The public peace and safety ;
8. Health and sanitation ;
9. Vaccination and inoculation ;
10. Public works and improvements ;
11. Explosive substances ;
12. Nuisances ;
13. Markets and abattoirs ;
14. Decency and good morals ;
15. Masters and servants ;
16. Water, light, heat, electricity and railways ;
17. The granting of franchises and privileges to persons or companies ;
18. The inspection of food.

Power to  
make by-  
laws respect-  
ing :

**300.** And the city council, for the purposes and objects included in the foregoing article, but without limitation of its powers and authority thereunder, as well as for the purposes and objects detailed in the present article, shall have authority :

Use of streets,  
&c.

1. To regulate the use of and prevent and remove encroachments into, upon or over streets, alleys, avenues, public grounds and public places, municipal streams and waters, and to prevent injury thereto and prohibit the improper use thereof ;

Filth in  
streets :

2.

2. To regulate and prevent the throwing or depositing of ashes, paper, refuse, offal, dirt, garbage or any offensive matter or obstruction in or upon any street, alley, yards, public grounds or places or municipal streams or waters.

3. To require the owner or occupant of any premises to keep the sidewalks along or in front of the same free from obstructions, and to provide for the removal of the same at the expense of such owner or occupant ;

Obstructions  
on sidewalks,  
&c. ;

4. To regulate the making and maintaining of openings and excavations in streets, alleys and public grounds and public places for the laying of gas and water mains and pipes, electric conductors, subways and conduits, and for other purposes, and to regulate the building and maintaining of sewers, tunnels and drains, and the construction and use of all structures and conduits of every kind underneath the streets, alleys, sidewalks, public grounds and places of the city, and to regulate, and, if it deem necessary, to prohibit the construction and maintaining of coal-holes, man-holes, hatchways, and other openings in sidewalks, streets and alleys and coverings and guards therefor ; to compel all persons or companies who have, or may hereafter have, the right to make any excavations in the streets of the city to deposit in the hands of the city-treasurer an amount sufficient to guarantee that such streets shall be put back to their former state, or to permit the city to make such excavations at the expense of such persons or companies, or to prevent such excavations and fill up the same whenever they are made contrary to the by-laws ; to prevent any person or company from tearing up any pavement, sidewalk or crosswalk, drain or sewer, or from making any hole, ditch or drain in any street, pavement or sidewalk, without previously sending a written notice to the city-surveyor with a sketch showing the exact location and dimensions of the proposed opening, and obtaining the permission of said city-surveyor if not previously authorized, and, in any case, without obtaining his approval of the place where, and the manner in which, the proposed opening is to be made ; to prohibit the deposit, upon any permanently paved street, of any building materials, tar, lime, stone, brick or other articles whatever of a nature to deteriorate the paving, or to regulate the permission to be granted to make use of such streets for the aforesaid purposes, and to exact a sufficient deposit to replace the paving in good order ;

Excavations  
in streets,  
&c. ;

5. To require throughout the city or in such district or districts as the city council may designate, the owner or occupant of any premises, or the person having deposited the same, to collect, remove and dispose of ashes, swill, offal, refuse, garbage, manure, dead animals, night-soil, and other vile, unhealthy or offensive matter ; to regulate and provide for the collection, removal and disposal of the same throughout the city or in such districts as the city council may designate, and to authorize and direct such collection, removal and disposal, either at the expense of the city or of such owner or occupant, or the person having deposited the same ;

Removal of  
ashes, &c. ;

- Use of pavements, &c. ; 6. To regulate the use of pavements, sidewalks, crosswalks, curbs and gutters ;
- Signs in streets, &c. ; 7. To regulate or prevent the use of streets, alleys, sidewalks and public grounds for signs, sign-posts, awnings, awning-posts, telegraph, telephone and electric poles, horse troughs, racks and other obstructions, and to regulate the posting and distributing of hand-bills and advertisements ;
- Obstructions in streets, &c. ; to remove and abate any nuisance, obstruction and encroachment upon the sidewalks, streets, alleys and public grounds, and prevent the encumbering of the same with vehicles, boxes, lumber or any other things ; to provide for and regulate the erection of hitching posts and rings for fastening horses, and to prohibit the same in any portion of the city ; and the city council shall prohibit the piling of snow or other incumbrances upon any street or alley or public place by persons owning or operating any street railway along or across the same ;
- Poles, &c., on streets, &c. ; 8. To regulate or prohibit the placing of poles and the suspending of wires along or across all streets, alleys and public places, and to require any and all wires within prescribed limits, or throughout the city, to be placed as it may designate, beneath the surface of the streets or elsewhere, and to require any poles already erected or wires already suspended to be removed, and the wires likewise placed in conduits beneath the surface of the street or elsewhere, and to compel any or all wires, pipes and other constructions and conduits to be placed in a common area beneath the surface or elsewhere, upon such terms as it may designate, and to regulate or prohibit the locating, constructing and maintaining of bridges and street railway tracks in, under, or over any street, alley or public place ;
- Exhibition of banners, &c. ; 9. To regulate or prohibit the exhibition, or carrying, or distribution, or throwing of banners, placards, advertisements and hand-bills or other articles in, near or upon streets, alleys, sidewalks and public places ;
- Flying of flags, &c. ; 10. To regulate or prevent the flying of flags, banners and signs across the streets, alleys and public places, and to regulate, license or prohibit the construction and use of billboards and signs adjacent to or near the streets, alleys and public places, or upon any vacant lot or other property ;
- Street sales, &c. ; 11. To regulate or prohibit traffic and sales upon the streets, sidewalks and public places ;
- Speed, &c., of horses, &c. ; 12. To regulate the speed of horses and other animals, bicycles, cars and locomotives, and other vehicles within the limits of the city, and to compel persons to fasten their horses or other animals attached to vehicles or otherwise while standing in the streets, alleys or public places ;
- Width of tires on wheels, &c. ; 13. To regulate and prescribe the width of tires on the wheels of vehicles used in the city, and the maximum weight

of a load to be drawn over any street in the city, and to direct upon what streets heavily-loaded vehicles may be drawn, and from what streets, alleys and public places the same may be excluded, and to license vehicles of every description ;

14. To name and change the names of streets, alleys and other public places ; Names of streets, &c. ;

15. To regulate or prohibit the use of all bridges, viaducts, tunnels, drains, sewers, privies and cess-pools within the city, and in such portions of the city as it may designate ; to cause the removal of privies and cess-pools, and to compel sewer connection in such portions, and to make the same, and to assess the cost thereof on the property so connected ; Use of bridges, &c. ;

16. To regulate the numbering of houses, buildings and lots, and to compel the owners of houses and other buildings to have the numbers of such houses and buildings shown conspicuously thereon or adjacent thereto ; Numbering of houses, &c. ;

17. To require railroad companies to keep flagmen and erect and maintain gates at railroad crossings of streets or public places, and to regulate and prohibit the obstruction of streets, alleys and other public places by railway trains, cars or engines ; Railroad crossings, &c. ;

18. To regulate or prohibit the ringing of bells and whistling of locomotives, and steamboats and the discharge of steam, cinders, sparks and smoke therefrom ; Ringling of bells, &c. ;

19. To require railroad companies to make and keep open and in repair ditches, drains, sewers and culverts along and under their railroad tracks, so that filthy or stagnant water cannot stand on their grounds, and so that the natural drainage of adjacent property and streets shall not be impeded in the limits of the city ; Ditches to be kept by railroad companies, &c. ;

20. To prevent the pollution of the waters of any municipal creek, river, pond, lake or water-course within or adjacent to the city ; to prevent the dumping of refuse or other matter therein ; to provide for the cleansing and purification of municipal waters and water-courses, and the drainage or filling of ponds or pools on private property whenever necessary for public health, and to compel the owner or occupant of any buildings or grounds to remove from the premises owned or occupied by him all such offensive substances as the city council or department of health may direct, and, upon his default, to authorize the removal or destruction thereof by some officer of the city, at the expense of such owner or occupant ; Pollution of waters, &c. ;

21. To provide that, in case the owner of such lot cannot be found and no one to represent the proprietor, or should such proprietor or occupant, or other person in charge thereof, refuse or neglect to fence in, drain, cleanse, fill up or level the same, when so directed by the proper officer of the Fencing and drainage of lots, &c. ;

council, or be unable for want of means, to fence in, cleanse, drain, fill up or level such lot, it shall be competent for the council to have the same done, and to provide that the amount expended thereon shall be a special charge upon such lot, and shall have the same privileges attached to it, and be dealt with and recoverable in the same manner as a special tax thereon ;

Issue of  
licenses, &c. : 22. To fix the amount, terms and manner of issuing licenses, not inconsistent with the law and subject to the provisions of this charter, provided that no license shall be issued for a longer time than one year ;

Billiards, &c. : 23. To license, regulate, or prohibit billiards, pool, pigeon-hole tables, ten-pin alleys, bowling alleys, and shooting galleries ;

Auction  
sales, &c. : 24. To license and regulate auction sales, itinerant merchants and transient vendors of merchandise, runners, agents and solicitors for stages, cars, vessels and houses of public entertainment ;

Exhibitions  
of showmen,  
&c. : 25. To license, regulate or prohibit the exhibitions of showmen and shows of all kinds, and the exhibitions of caravans, menageries, circuses, concert-halls, dance-halls, theatrical performances, skating-rinks and all places of amusement and museums ;

Riots, &c. : 26. To prohibit, prevent and suppress riots, routs, affrays, disturbances, disorderly assemblies, dog-fights, prize-fights, boxing or sparring matches, cock-fights and all brutal or depraving exhibitions or sports ;

Pawn-  
brokers ; 27. To license and regulate auctioneers, pawnbrokers, second-hand dealers and junk dealers, and to compel all such persons to keep such records of their transactions as it may direct, and make report thereof ;

Intelligence  
offices, &c. : 28. To license and regulate keepers of intelligence or employment offices, and all persons doing the business of seeking employment for or furnishing employees to others, and to require such persons to keep such record as it may direct, and to make reports thereof ;

Hackmen,  
&c. : 29. To license and regulate hackmen, draymen, expressmen, porters, and all other persons or corporations, including street railway companies, engaged in carrying passengers, baggage or freight in the city, and to regulate their charges therefor, and to prescribe standing places or stations within the streets or near railway stations, where the same may remain while waiting for business, and to prohibit the same from standing or waiting at any other places than the places so prescribed ;

Peddlers, &c. : 30. To license and regulate all peddlers, book-agents, canvassers, street hawkers, chimney-sweeps, vendors and public criers doing business in the city ;



31. To license and regulate butchers' stalls and shops, and <sup>Butchers' stalls, &c. :</sup> stands for the sale of game, poultry, meat, fish, fruit and perishable provisions whether by wholesale or retail ;

32. To license and regulate the keeping of dogs ; to prevent <sup>Dogs, &c. :</sup> dogs or other animals from running at large, and to authorize the destruction thereof in a summary manner ;

33. To regulate or prohibit the storage and use of gun- <sup>Storage, &c.,</sup> powder, dry pitch, resin, coal oil, benzine, naphtha, gasoline, <sup>of gun pow-</sup> turpentine, gun-cotton, nitro-glycerine and any product <sup>der, &c. :</sup> thereof, and other combustible or explosive materials within the city, or within one mile therefrom ;

34. To regulate or prohibit the use of fire-crackers, tor- <sup>Fire-crack-</sup> pedoes, Roman candles, sky-rockets and other fire-works ; <sup>ers, &c. ;</sup>

35. To regulate bathing and swimming in the waters <sup>Swimming,</sup> comprised within the limits of the city, and regulate begging ; <sup>&c. ;</sup>

36. To suppress bawdy and disorderly houses and <sup>Bawdy</sup> houses <sup>houses, &c. ;</sup> of ill-fame and assignation within the limits of the city.

37. To establish pounds under supervision and control <sup>Pounds, &c. :</sup> of the council, to restrain the running at large of horses, mules, cattle, swine, sheep, poultry, geese and other animals, and to authorize the distraining and sale of the same, and to fix a tariff of fines for such impounding ;

38. To establish, license or regulate markets and market- <sup>Markets,</sup> houses ; to change, enlarge or diminish the site of any <sup>&c. ;</sup> market or market-place, or to establish any new market or market-place, or to abolish any market or market-place now in existence or hereafter to be in existence in the city, and appropriate the site thereof or any part of such site, for any other purpose whatever, in the discretion of the council ;

39. To provide for the inspection of, and regulate the <sup>Sale of bread,</sup> making and sale of bread, and prescribe the weight and <sup>&c. ;</sup> quality of the bread in the loaf, and provide for the seizure and forfeiture of bread baked contrary thereto ;

40. To provide for and regulate the inspection of meats, <sup>Inspection of</sup> poultry, fish, game, butter, cheese, lard, eggs, vegetables, <sup>meats, &c. :</sup> flour, meal, milk, dairy products, fruit, and other food products ; to provide for the seizure, confiscation and summary destruction of any such products as are unsound, spoiled or unwholesome ; to prohibit the bringing into the city and the having or keeping such unsound, spoiled or unwholesome products, and to define the duties, powers and attributions of the inspectors appointed for that purpose ;

41. To inspect and license dairies and to license milkmen ; <sup>Dairies, &c. ;</sup>

42. To provide for and regulate the place and manner of <sup>Hay and</sup> weighing hay and straw and selling the same, and measuring <sup>straw, &c. ;</sup> and selling firewood, coal and lime.

43. To enforce the use by vendors of proper weights and <sup>Weights and</sup> measures, duly tested and sealed, and to authorize the seizure <sup>measures,</sup> and confiscation of all goods or merchandise offered for sale <sup>&c. ;</sup>

in the city and which may be deficient in measure, weight or quality ;

Chimneys,  
&c. ;

44. To regulate the height, construction and materials of all buildings, chimneys, stacks and other structures, and to prevent the construction of such not of the required stability, and provide for their summary abatement or destruction ; to prescribe the depth of cellars and basements, the material and methods of construction of foundations and foundation walls, the manner of construction and location of drains and sewer pipes, the thickness, materials and construction of party walls, partition and outside walls, the size and material of floor beams, girders, piers, columns, roofs, chimney flues and heating apparatus ; to regulate the architecture, dimensions and symmetry of buildings in certain streets ; to compel the proprietors to submit the plans thereof and to previously obtain a certificate, in writing from the building inspector ; to prohibit the construction of buildings and structures not conforming to such regulations, and to direct the suspension at any time of the erection of any such building as does not conform to such regulations, and to cause the demolition of any building not conforming to such regulations, if necessary ;

Wooden  
buildings,  
&c. :

45. To prescribe fire-limits within which wooden buildings or structures shall not be erected, placed or repaired, and to direct that any building within such fire-limits, when damaged by fire, decay or otherwise, to the extent of fifty per cent of its value, shall be torn down and removed, and to prescribe the manner of ascertaining such percentage, and to provide for requiring the owners of buildings or other structures, which have been destroyed or partially destroyed or have become dangerous by fire or otherwise, to take the same or any part thereof down ; and, in case of refusal or neglect of said owner to so take the same down when ordered by the council, then to cause the same to be done at the expense of the owner and to assess the cost thereof by privilege upon the land upon which such building or structure stands ;

Fire-escapes,  
&c. :

46. To require the owners or lessees of buildings or structures to place thereon such fire-escapes and appliances for protection against or for extinguishment of fires as it may direct ;

Removal of  
chimneys,  
&c. :

47. To prevent the construction and to cause the removal of dangerous chimneys, fire-places, hearths, stoves, stove-pipes, ovens, boilers and apparatus used in or about any building or structure ; to regulate the carrying on of manufactures liable to cause fires ; to prevent the depositing of ashes or the accumulation of shavings, rubbish or other combustible material in unsafe places, and to make provisions to guard against fire ;

48. To regulate the operation of blasts and blastings, and Blasting, &c. ;  
the construction, location and operation of derricks, wind-lasses, freight and passenger elevators and other structures, apparatus and operations hazardous to life and property ;

49. To declare the 'emission of sparks, cinders, soot or Sparks, &c. ;  
smoke from chimneys, stacks and other sources within the limits of the city a nuisance, and to prohibit such emission in any portion of the city ;

50. To define what shall constitute a nuisance and to abate Nuisances, &c. ;  
the same, and to impose fines upon persons who may create, continue or suffer nuisances to exist ;

51. To compel the reporting and recording of all births Births and deaths, &c. ;  
and deaths within the city ;

52. To regulate and prevent the burial of the dead within Burials, &c. ;  
the city ; to regulate and determine the manner in which bodies which have been placed in a vault or tomb or other place for the purpose of burial may be removed ; to regulate and control the location of cemeteries and crematories, and to cause the removal of bodies interred contrary to law, and to vacate or discontinue any cemetery and cause the removal of any bodies interred therein ;

53. To regulate or to prohibit the location, construction Stock-yards, &c. ;  
and management of stock-yards, packing-houses, rendering establishments, tallow-chandleries, storing-places for hides, bone or glue houses, gas-works, soap-factories, dye-houses, tanneries, sausage manufactories and other noxious businesses within the limits of the city, or within a distance of one mile outside of the limits thereof ;

54. To regulate the location, construction and use of brew- Breweries, &c. ;  
eries, stables, livery-stables, blacksmith shops and foundries within the limits of the city ;

55. To prohibit offensive or unwholesome businesses or Offensive establishments, &c. ;  
establishments within the city or within one mile of the limits thereof ; to prohibit the erection or occupation of any offensive buildings in any place or site where they will damage the neighboring property. and determine the localities where certain manufactories or occupations may be carried on ;

56. To compel the owner of any soap and tallow chandlery, Soap works, &c. ;  
sausage manufactory, pig-sty, privy or other unwholesome or noxious house or place, to cleanse, abate or remove the same ;

57. To regulate the location of lumber-yards and places for Lumber-yards, &c. ;  
piling timber, fire-wood and other combustible material and the manner of piling the same ; and to require any person maintaining any lumber, shingle or lath piles or mill-wood yards in the city to remove the same when they become dangerous to buildings, structures or other property ;

58. To regulate or prevent the playing of games or any Games, &c. ;  
other amusements on the streets, alleys, sidewalks or public

places, and to regulate the use of bicycles and other vehicles within the limits of the city ;

Ring-  
ing bells, &c. ;

59. To regulate or prevent the ringing of bells and chimes, the blowing of whistles and the making of other noises ; to regulate or prohibit the use of noisy carts or vehicles in the city streets and highways ;

City hos-  
pitals, &c. ;

60. To establish and regulate city hospitals and pest-houses, and to make all regulations which may be necessary and expedient for the preservation of health and the suppression of disease ; to make regulations to prevent the introduction of contagious, infectious or other diseases into the city, and to make quarantine laws, and to enforce the same within the city ; to regulate, control or prevent the landing of persons, baggage, merchandise or other property from boats, vessels, cars or other conveyances infected with contagious diseases, and to make such disposal of such persons or property as to preserve the health of the city, and to prevent infected boats, vessels, cars or other conveyances from coming within or near the limits of the city ;

Public cis-  
terns, &c. ;

61. To establish and regulate public cisterns, hydrants, reservoirs, fountains and watering troughs ;

Use of gas,  
&c. ;

62. To regulate the use of gas, electricity and electrical apparatus and other means and agents for furnishing light, heat and power in the city, and to provide for the inspection of the same ;

Lodging  
houses, &c. ;

63. To regulate lodging, tenement and apartment houses ; to prevent the overcrowding of the same, and to require the same to be put and kept in proper sanitary condition ;

Stables, &c. ;

64. To require the places where animals are kept to be maintained in healthful condition ;

Occupation  
of minors in  
streets, &c. ;

65. To license, regulate or prevent the employment and occupation of minors in the streets and public places, and to grant licenses and make regulation for newspaper carriers ;

Clearing of  
brush off lots,  
&c. ;

66. To compel the owner or owners of vacant property within the city limits to keep the same clear of any brush or other material or substance liable to communicate fire to adjoining property ;

Planting or-  
namental  
trees, &c. ;

67. To regulate the planting, rearing and preserving of ornamental trees in the streets, squares and parks of the city ; to compel any proprietor to plant trees in front of his property, under the direction of the city-surveyor ; to authorize the city-surveyor to cause such plantation to be made, and to exact the cost thereof from such proprietor, in case the latter shall refuse or neglect to comply with the city-surveyor's order ; to punish injuries to, or interference with, the ornamental trees or shrubbery in the streets, parks and public places of the city ;

Revocation of  
licenses ;

68. To provide for the revocation of licenses ;

69. To regulate and require licenses to be obtained for the pursuit and prosecution of all occupations or kinds of business, not in this section expressly referred to and provided for ; Business licenses, &c. ;

70. To establish and maintain work-houses or refuges in the city or elsewhere ; to make rules and regulations for the government and management of such work-houses or refuges, and to prescribe the duties of the keepers and officers of the same ; Work-houses, &c. ;

71. To provide for the lighting of the city ; Lighting ;

72. To provide for and regulate the construction and use of bicycle paths upon any street, alley or public place ; Bicycle paths, &c. ;

73. To establish, maintain and regulate a municipal employment bureau ; Employment bureau ;

74. To regulate and control, in a manner not contrary to any specific provisions on the subject contained in this charter, the exercise, by any person or corporation, of any public franchise or privilege in any of the streets or public places in the city, whether such franchise or privilege has been granted by the city or by the Legislature ; Public franchises and exercise thereof in streets ;

75. To make rules for the proper observance of Sunday, provided that the powers granted to the Zoological Garden of Montreal under the act 57 Victoria, chapter 77, be not regarded as affected by any such by-law ; Sunday observance, &c. ;

76. To prohibit the selling on Sunday by shop-keepers, pedlars, hotel-keepers, tavern-keepers or other persons, of goods, wares, merchandise or intoxicating liquors, or the purchasing or drinking thereof in any hotel, tavern or place of public entertainment ; and also to enforce the closing of saloons and taverns, from midnight on Saturday until Monday morning ; to regulate the sale of fruits, cigars, confectionery and temperance drinks on Sunday, in the city and on St. Helens' Island Park ; Selling goods on Sunday, &c. ;

77. To prevent the disturbance of any congregation assembled for religious worship, and to prohibit the distribution of printed hand-bills or circulars at church doors on Sundays ; Disturbance of religious worship, &c. ;

78. To license and regulate the posting of bills and placards ; to prohibit the posting or exhibiting of obscene or offensive placards, paintings, drawings, statues or inscriptions, in any street or public place, or in any store or any other place visible from such street or public place ; Posting of bills, &c. ;

79. To license, regulate or prohibit musical saloons or establishments where intoxicating liquors are sold and wherein instrumental and vocal music are used as a means of attracting customers ; to license or prohibit the use, by itinerant players of hand-organs, or other musical instrument, for pay or in expectation of pay, in any or all the streets or public places ; Musical saloons, &c. ;

Vaccination,  
&c. ;

80. To enforce a complete and efficient system of vaccination ; to establish offices for that purpose ; to appoint officers, to authorize them to make domiciliary visits, to destroy linen, clothing and any other articles infected with small-pox or any other contagious disease ; to isolate patients labouring under any such disease, whensoever the said officers shall deem it necessary for the welfare of such patients, or of the public at large ; to cause any person who shall have died of any such disease, to be buried within a short delay, and generally to take such measures, as the council may deem necessary, to regulate, control, prevent or arrest the progress of small-pox or other contagious, endemic or infectious disease, any law now in force to the contrary notwithstanding ;

Returns by  
cemetery  
companies of  
burials, &c. ;

81. To compel the superintendents of any cemetery in the city or in the adjoining municipalities to prepare and deliver to the corporation regular returns of the total number of persons buried in such cemetery ; to regulate the manner and form in which such return shall be made ; to exact that, in all cases of death occurring in the city, a certificate be deposited in the health office, and that such certificate be made in the form and manner determined by the board of health and the council, and also to adopt means to obtain accurate and sure returns respecting mortality and the causes thereof ; to authorize the medical health officer to make such inquiries as he may deem necessary when no certificate of death has been produced or when the certificate does not disclose the cause of the death, so as to establish as precisely as possible the cause of death and other particulars which public health may require ; to prevent any corpse being taken out of the city without a special permit from the medical health officer, without prejudice to existing laws respecting coroners' inquests and the examination of any corpse ; to prevent burials in the city, except those of priests and nuns which may be effected in the Roman Catholic churches and chapels of the city ;

Steam-en-  
gines, &c. ;

82. To compel persons owning or using steam-engines, steam boilers, factories, chemical works, or other workshops or establishments, to provide the same with the necessary apparatus to consume the smoke and gas escaping therefrom, so as to effectually remove and abate any nuisance arising from the working of such establishment, and to impose a fine of \$100.00 for the violation of any by-law made under the provisions of this paragraph, and to enact that, in default of immediate payment of the said fine and costs by the offender, he shall be condemned to an imprisonment not exceeding two months, unless the fine and costs shall have been paid before the expiration of such period, and a further fine of \$50.00 per day, for each and every day the offender shall continue in the violation of such by-law ;

83. To compel the proprietor of any vacant lot of land in the city to fence in or enclose the same, and to regulate the height of every such fence or enclosure and the materials and construction thereof; Fencing vacant lots of land, &c. :

84. To regulate the subdivision into streets of any land situated within the limits of the city, and to prohibit any such subdivision whenever the same does not coincide with the general plan of the city, and to compel the owners of private streets and lanes to indicate that the same do not belong to the city. Subdivision into streets of lots in city &c.

85. To regulate, license or prohibit the teasing of wool, hair, and other like articles, and the collection of rags; Teasing of wool, &c. :

86. To regulate the sale of horses, and to impose a tax on horses sold or exposed for sale by horse-dealers in the city, and to fix the rates to be paid therefor; Sale of horse &c. :

87. To regulate the kind of vehicles in which articles may be exposed for sale in or about the markets, and the manner in which they shall be there located; to impose a duty on such vehicles, and to establish the mode in which such duty shall be collected; Vehicles on markets, &c. :

88. To provide that provisions and provender, usually bought and sold in public markets, that may be brought to the city for sale, or any of them, shall be conveyed to the public markets and there exposed for sale; and that no such provisions or provender shall be offered, or exposed for sale, or be sold or purchased elsewhere in the city, than on the public markets; but the council may provide for empowering any person to sell, offer or expose for sale, beyond the limits of said markets, meat, vegetables and provisions usually bought and sold on public markets, and for granting him a license for that purpose, upon payment of such sum, and the performance of such conditions, as shall be fixed by by-law; Sale of goods on markets, &c. :

89. To regulate the manner and route in and by which horned cattle and other animals shall be driven in the city, and the destination of cattle intended for slaughter; Horned cattle, &c. :

90. To establish, regulate and manage public abattoirs, either within or without the city limits, that is to say: at a distance of three miles from such limits; provided, in the latter case, that the city has already obtained or obtains, previously, the consent of the council of the municipality in which it wishes to establish such abattoirs; and to prohibit the establishment of private abattoirs in the city; Public abattoirs :

91. To regulate the width of streets, and to establish or alter the level of any roadway or sidewalk in any street; to regulate all things concerning the streets, parks, (including Mount Royal Park, St. Helen's Island and Logan's Park) squares, bridges or drains, in the city; to protect the same from any encroachment or injury; and to close and discontinue any street; Width of streets, &c. :

Prevention of accidents in winter, &c.

92. To make such provisions as the council may deem necessary to prevent accidents in winter from the accumulation of snow or ice on the sidewalks and the roofs of houses or other buildings ; and for that purpose, to determine the manner in which such sidewalks and roofs shall be kept.

Right of city to call in proprietor, &c., in warranty.

Any person obliged by law to keep sidewalks and roofs shall be responsible towards the city for the damages resulting from his neglect to fulfil his obligations in this respect, and may be called in warranty by the city in all cases instituted against it for damages ;

Natural water-courses, &c. :

93. To determine the direction of natural water-courses passing through private property, and to regulate all matters concerning the same, whether the said water-courses be covered or not ;

Sewerage, &c. :

94. To regulate the sewerage of the city ; with the right to use any natural or verbalized water-course to empty the filtered water from their sewage farms, saving recourse for damages or indemnity if any there be ; to assess proprietors of immoveable property for the purpose of defraying the cost of making any common sewer in any street, in which such proprietors own property, including connections between such common sewer and the private drains of such proprietors, and the cost of such repairs as are rendered necessary in the permanent paving on account of the construction of private drains ; and to prescribe the mode in which such assessment shall be made, either according to the frontage of said property or otherwise, and the manner of levying such assessment ;

Automatic safety-valves at sewerage connections, &c. :

95. To permit the city to provide, where it may be necessary, suitable automatic safety-valves at connections in sewerage for the drainage of any lands, the expense thereof to be borne one-half by the city, and the other half by the owner of the property, and said cost shall be recovered as per statement prepared by the city-surveyor, and to provide for the inspection of the same by the city ; but for all other buildings, the expense shall be borne entirely by the city ;

Private drains, &c. ;

96. To regulate the time when private drains shall be made, as also the manner and materials with which the same may be constructed, the city making the same from the line of the street to the common sewer ; and to assess the cost of the same on the owners ;

Main sewers and tunnels, &c. :

97. To extend its main sewers or tunnels in any adjoining municipality, and to recover from such municipality its share of contribution towards the cost of construction and maintenance of such main sewers or tunnels, according to the area to be drained and in proportion to the benefit to be derived by such municipality. The amount of such contribution to be determined by appraisers to be appointed as follows : one by the council, one by such municipality, and the third by a judge of the superior court ; to compel such



municipalities to pay the damages resulting from their use of the city drains for their drainage ; to construct drains in private streets and lanes when required in the interest of public health, without being bound to pay any damage or compensation for the use of such streets or private lanes for such work ;

98. To permit, under such conditions and restrictions as the council may impose, the track of any street railway or other railway to be laid in the city ; to regulate the number of passengers to be carried in each car or vehicle used by such street railway ; to regulate the condition in which the cars are to be kept, to regulate the use of locomotive engines, and of steam- or any other motive-power on any railway in the city ; to prescribe and regulate the speed of the cars ; and to impose penalties not to exceed \$400.00, upon the company managing any such railway, or any of their servants, for each and every violation of any such by-law ;

Railway  
tracks, &c.,  
in city, &c.

99. To prescribe and define the duties and powers of the inspector of buildings, and to authorize him, and such other officers as may be appointed by the council for that purpose, to visit and examine, in the performance of their duties, as well the interior as the exterior of any house or building for the purpose of adopting any measures tending to prevent fires, or deemed necessary for public security ;

Inspector of  
buildings, &c. ;

100. To regulate the erection, use or employment of steam-engines and steam-boilers, electric dynamos and other electric machines, and the qualification of the persons charged with the working of the same, their examination and license ;

Steam en-  
gines, &c. ;

101. To provide for the organization, equipment, maintenance and discipline of a police or constabulary force in the city, with power to regulate the residence, classification, rank, service, inspection and distribution of such force, and to prescribe its duties ; to authorize the mayor, in cases of emergency, to appoint as many temporary police officers, at a compensation to be fixed by the council, as he may deem necessary, provided that such appointments shall not continue in force for more than one week without the consent of the council ; to provide for the punishment, by dismissal, or by fine or imprisonment or both, of any member of the police force who shall, directly or indirectly, accept any money or gratuity, or any kind of intoxicating liquor ;

Organization,  
&c., of police  
force, &c.,

102. To provide for the punishment, by fine, or imprisonment, of any person who accepts or, directly or indirectly, offers any sum of money or any gratuity whatever for the purpose of promising a place or employment in the corporation, and by the loss of his situation if the guilty party is an employee of the corporation ;

Punishment  
of persons of-  
fering money  
for a place  
under city,

- Carters, &c.** 103. To authorize and regulate the granting of licenses to carters, owners or drivers of vehicles for hire, or to owners of vehicles used in the city for the delivery of meat, bread, milk, ice, vegetables, groceries, or any other goods, effects or merchandise, whether such owners reside in or outside of the city ; for the good government and discipline of the drivers of such vehicles for hire ; to fix a tariff of the rates they shall be entitled to charge, and to punish persons who use such vehicles and refuse to pay the fare as established by a tariff ;
- Licensing non-residents who trade in city, &c. ;** 104. To prevent any person, residing beyond the city limits, from carrying on his trade or business within the city, without taking out a license and number for each and every vehicle used in the city for the purposes of such trade or business ; provided that there be no unjust discrimination against such person ;
- Proviso.**
- Masters and servants, &c. ;** 105. To regulate the respective duties of masters, apprentices, servants, domestics, journeymen and laborers ;
- Ferry-men, &c. ;** 106. To regulate the persons plying as ferrymen to and from the city, and to establish a tariff of rates to be charged by such ferrymen ;
- Superannuation fund, for officers, &c., of city, &c. ;** 107. To create and establish, out of the general fund of the city, a superannuation fund for the officers and employees of the city, upon such conditions and stipulations as the council may determine, and to compel the said officers and employees to contribute to the said fund out of their salaries in such proportions as the council shall determine ;
- Public baths, &c. ;** 108. To establish and maintain public baths, wash-houses, comfort houses and lavatories ;
- Public libraries, &c. ;** 109. To contribute to the establishment and maintenance of public libraries, reading rooms, museums for historical, literary, artistic or scientific purposes ;
- Uninhabitable buildings, &c. ;** 110. To provide for the closing and demolition of buildings within the city which are no longer fit for human habitation or occupation, and to recover the cost from the owners thereof ;
- Census, &c. ;** 111. To take, once in every three years, a census of the inhabitants of the city, for the purpose of ascertaining their number, and of obtaining statistics regarding their social, economical and sanitary condition ;
- Board of health ;** 112. To establish a board of health, with such privileges, powers and authority, as the council may deem fit ; which board may be composed of aldermen or of qualified citizens outside of the council ; to take means to promote the health of the city ; to provide precautionary measures against the introduction of diseases ; to make regulations for preventing contagion or infection therefrom, and for diminishing the danger thereof ; and to define and regulate the duties, powers and attributions of the health officers ;

113. To organize, maintain and regulate a fire department and fire brigade, and to equip and maintain the same with all necessary appliances by purchase or lease ; to appoint all officers and men necessary for the extinction and suppression of fires, the protection of property from fire, and the prevention of accidents by fire ; to provide for the punishment of any person or persons who may interfere with any member of the fire brigade in the performance of his duty, or who may tamper with, impede or obstruct any of the signal boxes, wires, or apparatus of the fire alarm department ;

Fire Department, &c. ;

114. To authorize the demolition of buildings and fences, when deemed necessary to arrest the progress of fire ; to provide for the removal and keeping at a distance from fires of any person or persons whatever ; to empower the mayor, the chief, or other officials to exercise the powers mentioned in this paragraph ; to authorize the mayor, under such provisions as the council may enact, to send fire-engines, men, and apparatus to the relief of any municipality outside of the city, that may be endangered by fire ; provided however that such municipality shall be held responsible for all expenditure or damage which may be incurred in connection therewith ; to provide for the erection of fire stations or engine houses, and the purchase or expropriation of sites therefor, subject to the provisions of this charter ; to provide for the punishment, by fine or imprisonment, before the recorder's court, of any person who shall refuse to obey the lawful orders of the chief or acting chief of the fire department, at any fire in the city.

Demolition of buildings at fires, &c.

301. No by-law, enacted in virtue of this section, shall be valid unless the same be read at a meeting of the council, nor unless a notice of motion for the adoption of such by-law shall have been deposited at least thirty days beforehand, nor unless the said by-law shall receive the affirmative vote of a majority of the members of the whole council ; nor shall any by-law be valid or binding and come into force until the same, after approval by the council as aforesaid, shall have been signed by the mayor and the city-clerk, and sealed with the corporate seal of the city, and that public notice of its passing be given.

Prerequisites' as to validity of by-laws.

302. The city-clerk shall have the custody of the by-laws of the city, and shall carefully preserve them in a register kept for that purpose, and he shall annually issue a report containing a synopsis of all the by-laws enacted, repealed or amended during the year and also of all resolutions of the council having force of law.

Custody of by-laws, &c.

303. A copy of any by-law duly, enacted according to the terms of this section, shall be received as evidence in any court of justice in the Province, provided that the

Copies of by laws, &c., to be evidence.

same be signed and certified by the city-clerk, and be sealed with the corporate seal of the city, without any proof being necessary of the validity of the corporate seal, or the signature of the said clerk; saving the rights of any party attacking the said by-law to proceed against the same by improbation.

Contestation  
of by-laws.

**304.** Any rate-payer may, in his own name, by petition presented to the superior court, of which at least ten days' notice must be given to the city, between the service of the same and its presentation to the court, demand the annulment of any by-law on the ground of its illegality.

Prescription  
of right to  
contest.

The right to demand the annulment of any by-law shall be prescribed by three months from the coming into force of the said by-law.

Copy of by-  
laws to be  
sent to Lieu-  
tenant-Gov-  
ernor in coun-  
cil who may  
disallow the  
same.

**305.** A copy of every by-law made under this section shall be transmitted without delay to the Lieutenant-Governor in council, who may, within three months from the receipt of such copy, disallow the by-law, and notice of such disallowance shall be published in the *Quebec Official Gazette*.

By-laws to  
have effect of  
public laws,  
&c., in city.

**306.** The by-laws of the council shall have full force and effect as public laws in the city, and as such shall be judicially observed and enforced by all judges and courts, whether specially pleaded or not.

Penalties  
which may be  
imposed by  
by-laws.

**307.** The council may impose, by any of the by-laws which may be enacted in accordance with the powers granted to it by this charter, for every infraction of the by-laws above-mentioned, either a fine, with or without costs or imprisonment; and if a fine, with or without costs, may provide for imprisonment in default of immediate payment of such fine and costs; but, except where it is otherwise provided in this charter, such fine or imprisonment shall be in the discretion of the court; and, save where otherwise expressly provided in this charter, such fine shall not exceed \$40.00, and such imprisonment shall not be for a longer period than two months; and where such imprisonment is ordered in default of payment of the fine, it shall cease on such payment.

If infractions  
continuous.

Where the infraction of any by-law is continuous, such infraction during each day shall constitute a separate offence.

What costs to  
include.

The costs above mentioned shall, in all cases, include costs incident to the execution of any judgment.

Formal objec-  
tions.

**308.** No objection founded upon form, or upon the omission of any formality, even imperative, can be allowed to prevail in any action, suit or proceeding respecting municipal matters unless substantial injustice would be done by reject-

ing such objection or unless the formality omitted be such that its omission, according to the provision of this charter, would render null the proceedings or other municipal acts needing such formality.

**309.** No person who has acquiesced in that which is required by a notice, or who has, in any manner whatsoever, become sufficiently acquainted with its tenor or object, shall thereafter avail himself of the insufficiency or informality of such notice, or of the omission of its publication or service. Persons acquiescing, not to take advantage of insufficiency thereof.

**310.** The council may, at any general election for mayor and aldermen held under the provisions of this charter, submit to the electors whose names are duly entered on the electors' lists in force, or to the real estate owners only on such lists, any matter or question affecting the interests of the city, upon which the council may deem it desirable to ascertain the opinion of the electors generally or of the real estate owners, as the case may be; but the council shall not pass any by-law or resolution in virtue of any opinion of the electors or real estate owners so ascertained, that shall not be subject in all respects to the provisions of this charter. Council may submit to electors or to certain electors, at time of general elections, any matter or question affecting the city. Proviso.

#### SECTION XIII

#### PROCEDURE RESPECTING SUBMISSION OF BY-LAWS TO REAL ESTATE OWNERS

**311.** Whenever, according to the provisions of this charter, a by-law requires the approval of the real estate owners of the city, the following proceedings shall be taken for ascertaining such approval. Proceedings to be followed on submitting by-laws to real estate owners.

**312.** The council shall, in and by such by-law, fix the day for taking the votes of the real estate owners whose names are entered upon the electors' lists in force, and such day shall not be before the expiration of thirty days after the adoption of the by-law by the council. Certain day to be fixed in by-law for voting.

**313.** The city-clerk shall subdivide each ward of the city into as many polling districts as he may deem necessary, and each of such polling districts shall contain, as nearly as possible, the names of three hundred real estate owners, entitled to vote. Division of city into polling districts. Number of real estate owners in each district.

**314.** The city-clerk shall also make or cause to be made for each polling district an extract from the electors' lists then in force, showing all the names of real estate owners inscribed on said electors' lists and entitled to vote in each of Extract of electors' lists for each district.

the said polling districts, and shall certify the correctness of the same by his signature and the official seal of the city.

Certified extract to be electors' list for each polling district.

Such extract so certified by him as aforesaid shall constitute the electors' list for each such polling district for all purposes required in accordance with the provisions of this section.

Right to vote.

**315.** Each real estate owner shall have only one vote, and no one shall be entitled to vote whose name is not entered upon such extracts.

Ballot-papers to be printed.

**316.** The city-clerk shall also cause to be printed, at the expense of the city, a sufficient quantity of ballot-papers for the use of the voters, and such ballot-papers shall be printed according to the form indicated by form No 23 or such other as form the council may adopt.

Notice to be published.

**317.** The city-clerk shall also, at least one week before the day fixed for the polling, publish or cause to be published a notice over his signature which shall state :

Contents of notice.

(a) The nature of the by-law which is to be submitted for approval ;

(b) The day and hours of polling ;

(c) The places where the different polls are to be held, and the territorial limits of each polling district.

How published.

Such notice shall be published during the week preceding the day fixed for the polling in at least two daily newspapers published in the French language and in two newspapers published in the English language, and shall also be affixed in at least three public places within each of said polling districts.

Further contents of notice.

Such notice shall also contain all instructions necessary for voters.

Appointment of deputy returning officer for each polling district &c.

**318.** Each deputy returning officer shall, at least two days before the date fixed for polling, appoint a deputy returning-officer for each of said polling districts, and shall furnish each of said deputies with a certified extract from the electors' list shewing the real estate owners entitled to vote within the limits of the polling district of which such deputy returning officer shall have charge in accordance with article 314, and such other instructions as may be necessary.

Appointment of persons to represent citizens in favor of by-law and those opposing it.

**319.** He may, by a commission signed by him, name one or two persons who may be present in each polling place on behalf of those citizens who are interested in and desirous of promoting the passing of the by-law, and a like number of persons on behalf of those interested in and desirous of opposing the passing of the by-law.

**320.** Before any person is so appointed, he shall make and subscribe before the deputy returning-officer a declaration, in the form No. 24, that he is interested in and desirous of promoting or opposing (as the case may be) the passing of the by-law.

Declaration required before appointment.

**321.** During the time appointed for polling, no person shall be entitled or permitted to remain in any polling place other than the officers, clerks and persons or real estate owners authorized to attend, as aforesaid, at such polling places.

Who may remain in poll during voting.

**322.** On the day fixed, as aforesaid, a poll shall be held and the votes of real estate owners entitled to vote shall be taken by ballot. Each poll shall be open from nine o'clock in the forenoon till five o'clock in the afternoon.

Poll to be held on day fixed.

**323.** The proceedings at each poll shall be the same, as nearly as may be, as at municipal elections held under this charter; and all the provisions of articles 106 to 179, inclusively, so far as the same are applicable and except when inconsistent with the provisions of this section, shall apply to the taking of votes at such poll and to all matters incidental thereto and to the returns to be made by the deputy returning officers.

Hours when to be open. Proceedings to be same as those for municipal elections.

**324.** Any real estate owner may be required by the deputy returning officer, or by any person authorized to act as agent under article 319, to take the following oath or affirmation before voting, and before being allowed to vote must answer, under oath or affirmation, in the affirmative, the questions numbered 1, 2 and 3, and in the negative, the questions numbered 4 and 5.

Oath that voter may be required to take.

You swear or affirm (*as the case may be*) :

" 1. That you are of the full age of twenty-one years and a British subject ;

2. That you are, according to law, entitled to vote, on the by-law now submitted ;

3. That you are the person named, or purporting to be named in the extract from the electors' lists now shewn to you ;

4. That you have not received anything, nor has anything been promised to you, directly or indirectly, either to induce you to vote on this by-law, or for loss of time, travelling expenses, cab-hire, or any other services connected therewith, and that you have not, directly or indirectly, promised anything to any person, either to induce him to vote or to abstain from voting ;

5. That you have not already voted on this by-law in any other polling district."

No enquiry shall be made of any voter except with respect to the facts specified in such oath or affirmation.

Notice to be given by city-clerk, after he has received ballot boxes that he will sum up votes at certain time, &c.

Certificate thereof and what to contain, &c.

Appointment by city-clerk of persons to attend at summing up.

Recount before judge in certain cases.

Application of certain articles to such recount, &c.

Communication of judgment on recount to council, &c.

**325.** The city-clerk, after he has received the ballot-boxes and statements from the deputy returning officers, shall, within three days thereafter, give public notice of the time and place when he will proceed to sum up, from such statements, the number of votes for and against the by-law; and the time so fixed shall be not later than one week from the date of polling, and he shall then and there declare the result in accordance with the statements so received by him from the deputy returning officers, and shall forthwith certify to the council, under his own hand and the seal of the city, whether the majority of those who have voted upon the by-law have approved or disapproved of the same, and the number of votes cast for and against said by-law.

**326.** The city-clerk shall, on or before the day fixed for the final summing up of the votes, appoint, in writing, signed by him, four persons to attend at the final summing up of the votes, two of whom shall be interested in and desirous of promoting the passing of the by-law, and two of whom shall be interested in and desirous of opposing the passing of the said by-law.

**327.** In case it may be made to appear, within four days after that on which the city-clerk has made the final summing up of votes, upon petition of a real estate owner, supported by the affidavit of any credible witness,—which petition must be duly signified upon the said city-clerk—to a judge of the superior court in the district of Montreal, that a recount may change the result of the voting as announced by the city-clerk; and, in case the petitioner deposits, within the same period of four days, with the prothonotary of the court, the sum of \$100 as security in respect of the recount for the costs of the attorney whom the city-clerk may appoint to appear in answer to the said petition; the said judge shall appoint a time, and place, within four days after the receipt of the said petition by him, to recount the votes and to make the final summing up thereof.

**328.** Articles 183 to 198, inclusively, shall apply, in so far as the same are practicable, to any recount had in respect of the voting provided for by this section and all proceedings connected with any petition for such recount, but the notice in writing mentioned in article 183 shall be served upon the city-clerk, and it shall be lawful for the judge, before whom such petition is presented, to give such interpretation to the said articles and to make such other rules and orders in respect to the said petition for recount, as to law and justice shall appertain.

**329.** The city-clerk shall communicate to the city council, without delay, a copy of the judgment pronounced by the court or judge upon any petition for a recount and the result of such recount.



**330.** In the event of an equal number of votes being cast for and against any by-law submitted to the real estate owners under the provisions of this section, the said by-law shall be deemed to have been defeated. Proviso in case of equality of votes.

**331.** No informality, omission or error in any proceeding had under this section shall invalidate such proceeding, unless in the opinion of the court such informality, omission or error, has been of such a nature as would affect the result of the vote taken. Informalities &c., not to invalidate proceedings. Proviso.

## SECTION XIV

## FINANCES

**332.** The civic fiscal year shall begin on the first day of January, and terminate on the last day of December of each year, but the annual taxes and assessments, including the school, tax and the water-rate, shall be deemed to be imposed and levied for the year beginning on the first of May of each year and terminating on the same date of the following year. Fiscal year. Tax year.

**333.** Every year before the first of May, the council may dispose of such capital amounts as the city may have at its disposal within the limits of its legal borrowing powers, and only for the purposes mentioned and set forth in article 344; provided always that no expenditure of such capital amounts, or any part thereof, shall be voted or made, until and unless the details, specifications, and amounts of each of the works or objects for which such special expenditure is contemplated, are submitted to the council and approved by two-thirds of its members. Disposal of capital sums for certain purposes. Proviso.

**334.** In the month of December of each year, the council shall set apart such sums as may be available out of the revenues of the city for the needs of the various departments of the city administration during the ensuing fiscal year. In so doing the city council shall maintain an equilibrium between revenues and expenditures, and shall provide for : Annual appropriations. What to provide for.

- (a) The cost of the collection of the civic revenue ;
- (b) The interest upon the civic debt and any sinking fund which may be established ;
- (c) The school tax ;
- (d) A reserve of five per cent. for such unforeseen expenses as judgments, epidemics, inundations and damages caused by irresistible force ;
- (e) Other established charges upon civic revenue ;
- (f) Repairs, maintenance, salaries and general administration.

Limitation of appropriation.

**335.** Such appropriation shall never exceed the amount of the actual revenue of the preceding year, added to the unexpended balance of the said revenue.

Proviso for cases of urgent necessity.

In cases of urgent necessity, such as epidemics, inundations, damages caused by irresistible force and judgments of courts, the council may, by by-law, make any appropriation it may think necessary beyond the amounts at its disposal; provided that, by such by-law, an additional assessment shall be imposed, payable during the course of the year in which such by-law is passed, sufficient to cover the amount so appropriated; which assessment shall be imposed, recovered and collected in the same manner as the ordinary taxes and assessments imposed and levied in virtue of this act. No amount appropriated can be varied or applied to any other purpose, except such change in the appropriation in question is approved by a vote of the whole council.

Special appropriation during 1899 for certain cases.

The city is authorized to appropriate and expend during 1899 a sum not exceeding \$100,000, being the special payment made to the city during 1898 by the Montreal Water and Power Company, say: \$60,000 to permit the city to carry on certain works and purchase certain necessary articles for the working of the water-works' department, and \$40,000 for ordinary expenses. The unexpended balance of revenue of 1898 shall be regarded for the purposes of article 333 as reduced by the aforesaid amount.

Certificate of comptroller required before authorization of expenditure.

**336.** No resolution of the council or of any committee, authorizing the expenditure of any moneys shall be adopted, or have any effect, until a certificate of the comptroller is produced, establishing that there are funds available and at the disposal of the city for the service and purposes for which such expenditure is proposed, in accordance with the provisions of this charter.

Approval of council required to agreements.

**337.** No contract, or agreement whatever shall be binding upon the city, unless it has been approved by the council.

City not liable unless certain formalities have been complied with.

The city shall not be liable for the price or value of work done, materials supplied, goods or effects furnished, of any kind whatever, nor for any fees for professional services, salary, wages, or other remuneration, without the special authorization of the city council or of a committee having a lequate jurisdiction, nor unless, in every case, a certificate of the comptroller is produced establishing that there are funds available and appropriated for the particular object for which payment is sought; and no right of action shall exist against the city, unless the foregoing formalities are strictly observed, notwithstanding that the city may have benefited by any such contract, agreement, work done, materials supplied or other services rendered.

**338.** Every member of the council who authorizes either verbally, by writing, by his vote, or tacitly, any expenditure of money exceeding the amount previously voted and legally placed at the disposal of the council or any committee, shall be held personally liable therefor, and shall thereby become disqualified as a member of the council, and shall also be disqualified for re-election as alderman for a period of two years thereafter.

Penalty on member of council authorizing expenditure in excess of appropriations.

**339.** The city-treasurer shall prepare and publish every year, before the first of April in each year, a report showing :

Annual return by city-treasurer and what to contain.

(a) The balance of moneys on hand and in banks at the beginning of the year ; the receipts from each department, and the proceeds of every loan, whether temporary or permanent.

(b) The disbursements made by each department, as well as the repayment of all loans, whether temporary or permanent :

The city-treasurer shall be personally responsible for every sum of money which he may pay, knowing that such payment exceeds the amount voted by the council for the purpose.

Responsibility for certain payments.

**340.** In the event of the annexation of any adjacent territory during the course of the fiscal year, the annual revenue to be derived therefrom shall be estimated by the treasurer and the comptroller, and the amount thereof may be added, less ten per centum, to the amount available for expenditure under article 334.

Proviso, in case of annexation of territory during fiscal year.

**341.** When and after the proposed expenditure in virtue of articles 334 and 335 shall have been authorized by the council, no by-law or resolution which shall have for its object, purpose or result the diminution of the civic revenue shall be valid or operative during the year for which such expenditure has been authorized.

When by-law diminishing civic revenue to take effect after certain authorization

**342.** All fees, licenses, fines, revenues, taxes and assessments of any nature whatsoever, accruing or belonging to the city, shall be paid to, and received by the treasurer alone, or the officials designated by him for that purpose ; and no other officials shall be entitled, under any pretext whatever, to receive any such fees, taxes, revenues or assessments, unless especially authorized by the council so to do.

Treasurer alone to receive fees, &c.

#### SECTION XV

#### BORROWING POWER

**343.** In addition to the present consolidated debt of the city, amounting to \$23,744,401.00 which is hereby confirmed, the city may issue bonds, debentures or stock to an amount not exceeding \$3,255,599.00, for the purpose only of

Power of city to borrow certain sum for certain purposes.

Certain sum fixed as consolidated debt of city and not to be exceeded.

Borrowing power limited.

discharging and consolidating the obligations set forth in schedule A, hereunto annexed. And the amount of \$27,000,000.00 mentioned in said schedule is fixed definitely as the consolidated debt of the city, and shall not be exceeded (except as hereinafter provided) until the said debt shall represent not more than 15 per cent. on the taxable value of the real estate within the limits of the city. The borrowing power of the city shall then be limited to 15 per cent. of the said valuation, and said limit shall never be exceeded, and all temporary borrowing powers granted by the next following article shall then cease to exist.

Power to borrow certain sums for certain purposes.

**344.** The city shall have the power, during such time as the consolidated debt of the city exceeds fifteen per cent. of the taxable real estate of the city, as recited in article 343, to borrow each year,—for the purpose of carrying on necessary public works, such as the extension of the water-works and water services, the extension of the drainage system, the laying of permanent (not wooden) or cement sidewalks and pavements, the construction and extension of municipal buildings, such as markets, fire and police stations, city-hall and others, opening and widening of streets, street improvements, the acquisition of such lands and buildings as may be necessary for any of these purposes,—a sum of money not exceeding ten per cent. of the increase in taxable real estate, shown by the assessment roll in force over that of the year immediately preceeding; provided always that the total value of such taxable real estate exceeds \$140,000,000.00, and also that the sum total so borrowed does not, in any one year, exceed \$300,000.00

Proviso in case of annexation of territory.

Should such increase in the value of the taxable real estate, or any portion thereof, arise from the extension of the city limits by the annexation of adjacent territory, the amount of the debt upon the territory so acquired shall be, for the purpose of this article, regarded as added to the total funded indebtedness of the city, and the value of the taxable real estate so annexed, as determined by the assessors, shall be regarded as added to the total valuation of the taxable realty of the city.

Application of money so raised.

Appropriation for sidewalks.

The money raised annually under the terms of this article shall not be applied to the ordinary expenditure, but shall be used absolutely and exclusively for the objects above-mentioned. The council, however, during the years 1899, 1900 and 1901, may take from the amount annually borrowed as aforesaid an annual sum not exceeding \$30,000 for the construction of wooden sidewalks.

Loans how to be effected.

**345.** The said loans shall be effected by the issue of debentures or bonds or inscribed stock payable at a term not to exceed forty years from their date, at a rate of interest not

exceeding 4 per cent., and shall be redeemed by means of a sinking fund sufficient to repay the capital at the end of the said term.

**346.** The amounts raised under the two preceding articles can only be expended by the affirmative vote of two-thirds of the members of the council, on the recommendation of the finance committee, and not otherwise. How to be expended.

**347.** Should the city, at any time, decide to dispose of and sell (which said sale shall be by public auction) any of its lands and buildings, the proceeds of such sale shall be immediately and exclusively applied to the redemption of so much of the capital of the funded debt, and the obligations so redeemed shall be cancelled and shall not be re-issued under that or any other form. Application of proceeds of sale of city property.

**348.** The city may also borrow sums of money, and for that purpose, issue bonds, debentures or stock, or inscribed stock for special and specific purposes, but only by virtue and under the authority of a by-law, which shall be approved by the affirmative vote of at least two-thirds of the members of the council, and such by-law shall state, under pain of nullity : Further power to borrow for specific purposes under by-law approved by a two-thirds vote of the council.

1. A detailed statement of all the purposes for which the loan is to be made ; Contents of by-law.
2. The term for which it is made ;
3. The rate of interest thereon, which shall not exceed four per cent. per annum ;
4. The sinking fund ;
5. The rate of special taxation imposed for the purpose of paying the interest, and a sufficient sinking fund or annuity, as the case may be, to repay the capital, at maturity ;
6. The place or places of issue, of registration, of transfer, where the interest shall be paid and the capital redeemed, at maturity ;
7. The form of security to be issued, whether in stock, inscribed stock, bonds or debentures, in sterling or in currency, or otherwise ;
8. All other matters of detail connected with said loan.

No such by-law shall have any effect until and unless it is submitted for the approval of the owners of taxable real property within the city limits, whose names are entered upon the electors' list then in force, which vote shall be taken by ballot, in accordance with the provisions of section thirteenth of this charter, and if the majority in number of the said owners of real property who thus vote do not approve of such by-law, then the said by-law shall be null and of no effect. By-law to be approved by certain rate-payers.

Application  
of proceeds of  
such loans.

**349.** The proceeds of such loans shall be used exclusively for the purposes indicated in the by-law and be set apart by the city-treasurer, and shall in no case be available, even temporarily, for any other purpose whatever.

Penalty on  
alderman  
contravening  
articles 346  
and 349.

**350.** Any alderman contravening articles 346 and 349 by authorizing or approving the appropriation of any part of the loans above referred to, to any other purpose, shall *ipso facto* forfeit his seat in the council, and shall be ineligible to the council for a period of five years.

Temporary  
loans in anti-  
cipation of  
revenue.

**351.** The city may borrow, annually, during the course of the fiscal year, on temporary bonds to be signed by the mayor and the city-treasurer, and countersigned by the comptroller, such sums as may be necessary to anticipate its ordinary revenue, provided that all such bonds shall be redeemed and paid out of the revenue within the year in which they are issued; and no other temporary loan shall be effected for the following year, before the comptroller has furnished the council or any committee having jurisdiction for the purpose, with a certificate that all such temporary bonds pertaining to any one year have been retired.

Power to  
issue new  
bonds to re-  
pay outstand-  
ing loans.

How issued.

**352.** The city may issue new bonds, in accordance with the provisions of this section, for the purpose of repaying, from time to time, any loan, outstanding at the time of the coming into force of this charter; or which may be hereafter issued in accordance with the provisions thereof. Any loan made for the purpose of thus replacing any portion of the funded debt may be issued on the authorization of a resolution approved by the majority of the council.

Power to bor-  
row to build  
market-halls,  
&c.

**353.** The city is authorized to procure by special loan a sum sufficient to build halls or suitable shelters for market purposes at Bonsecours market or in any central place in the city.

Power to  
issue tempo-  
rary bonds to  
redeem con-  
solidated  
debt as it  
matures.  
Provided.

**354.** The city may also issue temporary bonds, signed by the mayor and city-treasurer, for the purpose of redeeming the consolidated debt as it matures, until regular issues of redemption stock or bonds may be decided on by the council, under the provisions of this section; provided such temporary bonds bear the certificate of the city comptroller that they represent retired bonds or stock, and embodying a detail of same, and that they be paid off by the proceeds of the next regular issue.

Power to is-  
sue tempo-  
rary bonds for  
proprietors'  
share of cost

**355.** The city may also issue temporary bonds for the proprietors' shares of the cost of street improvements as may be decided upon in conformity with this charter, until such time as the special assessments levied therefor shall have been

collected, and it shall be lawful for the city to continue or extend these bonds, by renewal, from time to time, until the said collections shall have been fully realized. of street improvements.

Such bonds shall be signed by the mayor and city-treasurer, and bear a certificate from the city-comptroller showing the object for which they are issued. How to be signed, &c.

The funds collected to repay such loans shall be deposited to the credit of a special fund and devoted solely to the payment of the temporary bonds so issued. Deposit of funds collected for payment of loans.

**356.** If it happens at any time that the moneys in the hands of the city-treasurer, applicable to the payment of the interest or of the principal of any of the loans heretofore authorized and made, or of any interest due upon any stock, inscribed stock, bonds or debentures issued under this act, is not sufficient to pay such interest or principal, it shall be the duty of the treasurer to calculate the rate upon the assessed value of the immoveable property liable to assessment in the city, which will, in his opinion (after making fair allowances for expenses, losses and deficiencies in the collection of such rate,) be required to produce a sum sufficient, together with the moneys in his hands applicable to the purpose, to pay such interest or principal, or both, and to certify such rate under his hand to the city-clerk, for the information of the council. Certificate of treasurer when money in hand insufficient to pay interest or capital of loans.

Such certificate shall have the effect of a by-law of the council lawfully imposing the rate therein mentioned, and shall be obeyed and acted upon by all officials of the city and by all others: and the said rate shall be forthwith levied and collected accordingly, in addition to any other rates lawfully imposed by any by-law of the council. Effect of such certificate.

**357.** All the provisions of this charter respecting the privileges, prescriptions, procedure and remedies applicable to ordinary assessments shall apply to the rate provided for by this section. Certain provisions applicable.

**358.** On the issuing of the writ of execution, commanding the sheriff to levy any sum of money due by the city for the interest or principal of any loan heretofore made by the city, or for the interest on any stock, inscribed stock, bond or debenture issued under the provisions of this or any previous act, the plaintiff may require, and the court may order, that such execution be levied by rate; and, if such order is made, the sheriff shall cause a copy of such writ to be served upon the city-treasurer. Execution may be levied by rate. Copy of writ to be served on treasurer.

If the money therein mentioned, with all the lawful interests and costs, which the sheriff is commanded to levy, is not paid within one month, from the time of such service, the sheriff shall himself calculate, as nearly as may be, what rate upon the assessed value of the immoveable property liable Duty of sheriff if money be not paid in time.

to assessment in the city, will, in his opinion, after making fair allowances for expenses, losses and deficiencies in the collection of such rate, be required to produce a net amount equal to the sum, interest and costs he is commanded to levy.

Sheriff to certify rate to city-clerk.

He shall certify such rate under his hand to the city-clerk for the information of the council, in the manner and form *mutatis mutandis*, prescribed for the certificate of the treasurer in the preceding articles; and thereupon such certificate shall have the same effect, in all respects, as the certificate of the treasurer hereinbefore provided for.

Provisions applicable.

All the provisions of this charter respecting the levy and collection of a rate under the certificate of the treasurer, shall also apply to the levy and collection of a rate under the certificate of the sheriff.

Duty of city officials, &c., as regards rate.

**359.** It shall be the duty of the treasurer, assessors, and other officers of the city, to produce to the sheriff, on his demand, all assessment rolls, papers and documents requisite for enabling him to fix the rate hereinbefore mentioned, and to give him any information or assistance which he may require for the purposes thereof; such officers shall, for all the purposes of this and the preceding article, be deemed officers of the court out of which the writ issued, and amenable to and punishable by such court, in case of any failure to perform any of the duties assigned to them respectively by this article.

Proceeds of rate to be paid over to sheriff.

**360.** The proceeds of the said rate shall, by the treasurer, be paid over to the sheriff, who shall apply the same to the satisfaction of the debt, interest and costs he was commanded to levy, and, if there be a surplus, it shall be paid back to the treasurer, and applied to the general purposes of the city.

#### SECTION XVI

#### ASSESSMENTS AND TAXATION

What property liable to taxation, &c.

**361.** All immoveable property situated within the limits of the city of Montreal shall be liable to taxation and assessment, except such as may be hereinafter declared exempt therefrom.

What immoveable property shall comprise.

Immoveable property shall comprise lands, buildings erected thereon, machinery and other property so fixed or related to any building or land as to form part of the realty, and also all pipes, poles, wires, rails, tunnels and other constructions and apparatus of every nature used in connection with the generation or distribution of power, light, heat, water, electricity or for traction purposes, whether any of the same be constructed or placed upon, over or under property, streets, highways, or elsewhere within the limits of the city.



The council may make by-laws to impose and levy an assessment on taxable immoveable property in the city, subject thereto, not to exceed one per cent. of the assessed value of such property; for which assessment such immoveable property shall be liable and also the owner thereof personally.

Assessment on immoveable property by by-law. Property and owner liable therefor.

**362.** The following immoveable property is exempt from the ordinary and annual assessment;

Property exempt from ordinary annual assessments.

(a). Buildings used for the purpose of religious worship including the land on which the same are built, such as churches, parsonages, bishops' palaces, and fabrics. The word "parsonage" shall apply to any house occupied as a residence by the officiating priest or minister of any church in the city; provided, however, that but one parsonage for each church shall have the benefit of the exemption;

(b). The lands and buildings recognized as educational establishments by the Council of Public Instruction, or subsidized by the Catholic or Protestant School Commissioners of the city;

(c). Lands and buildings actually occupied and used as public hospitals or asylums;

(d). Lands and buildings exclusively occupied and used as public libraries, reading-rooms, art galleries, or museums, provided the same are opened gratuitously to the public and shall not be kept for lottery purposes;

(e). The lands and buildings owned and exclusively occupied as establishments of higher education or scientific teaching duly incorporated or recognized by the Government.

The above exemption shall not apply to special taxes or assessments, nor to the water-rate or price of water; it shall not apply either to the said lands and buildings, or portions thereof, occupied or used for industries or works the profit whereof is not entirely applied to the support of said institutions; and the assessors shall make, in such case, a special and separate estimation of the value of such lands and buildings, or portions thereof.

Exemption not to apply to certain assessments, &c.

Duties of assessors in certain cases.

**363.** The council may also impose and levy, by by-law, a tax to be called the "business-tax," on all trades, manufactures, financial or commercial institutions, premises occupied as warehouses or storehouses, occupations, arts, professions, or means of profit or livelihood, carried on or exercised by any person or persons, in the city; provided that such business-tax does not exceed seven and one-half per cent. of the annual value of the premises in which such trades, manufactures, financial and commercial institutions, occupations, arts, professions or means of profit or livelihood are respectively exercised or carried on; and all persons, companies and corporations engaged in or carrying on such trades,

Imposition of business-tax by by-law.

manufactures, financial or commercial institutions, occupations, arts, professions or means of profit or livelihood shall be responsible directly for the payment of such tax.

Amount of  
business-tax  
for clubs, &c.

The amount of such business-tax in the case of all keepers of clubs, inns, hotels, saloons or restaurants wherein wine, beer or spirituous liquors are sold shall be the following :

When the annual assessed value of the premises occupied for the above purpose shall not exceed \$160..... \$27 00

When the assessed value shall be :

From	160 to	240.....	\$ 36 00
"	240 to	320.....	45 00
"	320 to	400.....	56 25
"	400 to	500.....	67 50
"	500 to	600.....	78 75
"	600 to	700.....	90 00
"	700 to	800.....	101 25
"	800 to	1,000 .....	112 50
"	1,000 to	1,200.....	123 75
"	1,200 to	1,600.....	135 00
"	1,600 to	2,000.....	157 00
"	2,000 to	2,400 .....	175 00

with an increase of \$17.50 for each \$400 or fraction of the same above \$2,400.

56 V., c. 13,  
s. 30, not af-  
fected.

Nothing in this clause contained shall affect the act 56 Victoria, chapter 13, section 30, as amended by the act 55-56 Victoria, chapter 11, section 26.

Special taxes  
upon :

**364.** The council may also, in addition to the above taxes, impose and levy, by a vote of the majority of the whole of its members, the following special taxes :

Bicycles, &c. : (a) A special tax, not exceeding \$1.00, on bicycles, tricycles and other vehicles of that kind. This provision shall not apply to such vehicles when used by children under ten years of age ;

Milkmen, &c. : (b) A special tax, not exceeding \$10, on milkmen and bakers ;

Carters, &c. : (c) A special tax, not exceeding \$15, on carters or hackmen ;

Owners of  
horses, &c. : (d) On the owners of horses and vehicles, for each and every horse, a special tax not exceeding \$10, and for each and every vehicle, a special tax not exceeding \$15 ; except such owners as are licensed or taxed under the preceding paragraph ;

Vehicles for  
carting stone.  
&c. ; (e) A special tax, in the form of a license, not exceeding \$25, on every vehicle used to bring from outside municipalities into the city any building stone, whether it be rough or cut.

Employment  
offices, &c. : (f) A special tax, not exceeding \$50, on employment offices, public laundries, keepers of private hospitals, real

estate agents, peddlers, hawkers, hucksters, junk and second-hand dealers and all itinerant traders doing business in the city ;

(g) On persons and clubs keeping billiard-tables, pigeon-hole-tables, bowling-alleys, shooting galleries and other similar games, a special tax, not exceeding \$50, for each billiard-table, pigeon-hole table, bowling-alley, shooting gallery or other game ;

Keepers of  
billiard-  
tables, &c. ;

(h) A special tax, not exceeding \$50. per annum, on every person keeping a butcher's shop within the limits of the city outside of any of the city markets ;

Keepers of  
butchers'  
shops ;

(i) A special tax, not exceeding \$50, on stockbrokers, financial agents and money lenders, except duly incorporated loan companies ;

Stock-brok-  
ers, &c. ;

(j) A special tax, not exceeding \$100, on every person opening temporarily a shop to sell therein any bankrupt stock or other effects ;

Persons sell-  
ing tempora-  
rily bankrupt  
stocks, &c. ;

(k) A special tax, not exceeding \$200, on pawnbrokers ;

Pawnbro-  
kers ;

(l) A special tax, not exceeding \$200, on auctioneers and \$40 on auctioneers' clerks ;

Auctioneers,  
&c. ;

(m) A special tax, not exceeding \$200, per diem, on circuses, menageries, or travelling exhibitions and shows ;

Circuses, &c. ;

(n) A special tax, not exceeding \$200, on every life, accident, or guarantee insurance company, doing business and taking risks in the city, and a special tax, not exceeding \$100, on every marine insurance company doing business and taking risks in the city ; provided that when any such insurance company combines two or more branches of any kind of insurance, one tax only shall be levied upon such company, that is to say, the tax, the rate of which is the highest on any of the said branches of insurance respectively ;

Life insur-  
ance compa-  
nies

(o) A special tax, not to exceed \$400, on every fire insurance company doing business and taking risks in the city ;

Fire insur-  
ance compan-  
ies, &c. ;

(p) A special tax, not exceeding \$400, on every bank doing business in the city, with a paid up capital of one million dollars or less ; a tax, not exceeding \$500, on every such bank, the paid up capital whereof more than one million but does not exceed two million dollars, and a tax, not exceeding \$600, on every such bank, the paid up capital whereof is above two million dollars ;

Banks ;

(q) A special tax, not exceeding \$100, on every detective agency, and a special tax, in the form of a license, not exceeding \$5, on every constable or guardian of the peace not being under the control of the municipality or the Government ;

Detective  
agencies, &c. ;

(r) A special tax, not exceeding one-tenth of one per cent., upon the paid up capital stock of any company or corporation enjoying any franchises in, over and under or upon any of the streets or territory within the limits of the city, when or territories

Companies  
enjoying  
franchises  
over streets  
or territories

in the city,  
&c. ;

Certain cor-  
porations,  
taxed under  
article 361,  
not affected.

such franchises shall have been or shall hereafter be acquired by the terms of any general or special act of incorporation, or in virtue of any contract or agreement with the city, or with the permission thereof. This clause shall not apply to the Grand Trunk Railway Company of Canada, nor to the Canadian Pacific Railway Company, nor to the companies or corporations whose pipes, posts, wires, rails, tunnels and other constructions and apparatus of every nature whatsoever, employed in the production or distribution of motive-power, light, heat, water, electricity or for purposes of traction, built or placed on, over and under public property, streets, roads, or elsewhere within the limits of the city, shall be liable to the real estate tax or assessment in article 361 ;

Distillers,

(s) A special tax on every person doing business in the city as distiller, at the rate of \$80 for every four hundred dollars, or fraction thereof, of the assessed yearly value, according to the valuation roll, of the premises occupied and used for the purposes aforesaid ;

Brewers ;

(t) A special tax on every person doing business in the city as brewer, at the rate of \$60 for every four hundred dollars, or fraction thereof, of the assessed yearly value, according to the valuation roll, of the premises occupied and used, for the purposes aforesaid ;

Lottery com-  
panies, &c.

(u) A special tax, not exceeding \$1,000, on all persons companies or corporations engaged in or promoting lotteries of any kind whatsoever legally authorized, including art unions, art associations, and such like enterprises whose operations consist in advancing, lending, giving, selling or in any way disposing of any property by lots, tickets, cards or any other mode of chance whatsoever, and a special tax not exceeding \$10 on every person selling or offering for sale such tickets or cards.

Special tax,  
may be in the  
form of li-  
cense.  
When pay-  
able.

**365.** Every special tax imposed under the preceding article may, in the discretion of the council, be imposed and levied in the form of a license : and thereupon such tax shall be payable annually, at such time, and under such conditions and restrictions as the council may determine.

Further taxes  
as authorized  
by this char-  
ter.

**366.** In addition to the above taxes mentioned in the foregoing articles, the council may also impose such taxes as are otherwise authorized by this charter.

Taxes, &c.,  
payable an-  
nually at the  
time fixed by  
law.

**367.** Every tax or assessment imposed by virtue of the foregoing provisions shall be payable annually and at the time fixed by the by-laws which may be passed with respect thereto.

Cadastral  
number suf-  
ficient to de-  
scribe prop-  
erty.

**368.** The cadastral number, given to immovable property upon the official plan and in the book of reference for the territorial division in which such property is situated, shall be a sufficient description of such property in the assessment

and valuation roll to enable the city to levy the assessment thereon.

**369.** Whenever the subdivision of any property shall not have been duly registered in the registry office, in the limits whereof such property is situated, the assessors may assess it as a whole; and it shall be lawful for the city to levy such assessments on the whole or on any part of such property; if, on the contrary, a subdivision thereof has been duly registered, it shall be the duty of the assessors to assess each subdivided lot separately, and to value the share of assessment imputable to each known proprietor.

When property is subdivided.

**370.** The business-tax shall be payable for every establishment of such trade, business or occupation, when it shall be carried on by the same person, firm of persons or company in two or more distinct and separate buildings or places of business.

Business-tax payable for every branch of business.

**371.** In the case of any tax or assessment imposed on any firm or partnership, in respect of the business of such firm or partnership, such tax or assessment may be claimed and recovered in full from any of the members of such firm or partnership.

Tax on partners.

**372.** The council may pass such by-laws as may be necessary to enforce the collection of any special tax or special assessment imposed in virtue of this charter.

By-laws for collection of special tax, &c.,

It shall also have the right to determine, by by-law, the declaration which persons, companies and corporations paying taxes under this section shall be obliged to make, even under oath, to facilitate the collection of the said taxes.

Also for declaration to be made by certain persons.

In default of such person, company or corporation making such declaration required by the by-laws of the city, the assessors shall estimate the matters subject to the said taxes under article 364 and such value shall be valid for all lawful purposes.

Duty of assessors in default of declaration.

#### SECTION XVII

#### BOARD OF ASSESSORS, VALUATION AND ASSESSMENT ROLLS, AND MUNICIPAL AND SCHOOL TAX ROLLS

##### § 1.—*Board of Assessors*

**373.** The council, in December of each year, shall appoint eight assessors, with power to increase or diminish their number, from time to time, by a resolution adopted by the majority of the whole of its members.

Appointment of assessors.

The council may dismiss any of them who shall fail in the performance of his duty; and may fill any vacancy which may occur in their number.

Their dismissal. Vacancies.

Term of office.	Such assessors shall hold office till their successors shall have been appointed.
Remuneration.	The remuneration of such assessors shall be fixed, from time to time, by the council, and it shall designate which of the assessors shall act as chairman of the board.
Division of labors.	The council shall determine the manner in which the assessors shall divide their labors.

Oath of assessors.

**374.** Before taking office, the assessors shall subscribe to the following oath of office before the mayor or city-clerk :  
 “ I, A. B., having been appointed an assessor for the city of Montreal, do declare upon oath, that I will faithfully, impartially, honestly and diligently perform the duties of an assessor according to law. So help me God.”

### § 2 — Valuation and Assessment Rolls

Valuation and assessment roll for each ward.	<b>375.</b> The assessors shall, every year, between the first of May and the first of September, make for each ward of the city a valuation and assessment roll of all immoveable property situated in such ward.
Two assessors to act together.	In valuing such immoveable property the board of assessors shall divide their labours in such a manner that at least two assessors shall act together.
Contents of roll. Street names, &c.	Such roll shall contain : 1. The street names and street numbers of immoveables, and their cadastral numbers, distinguishing between assessable immoveables, and those exempt from assessments, and also between the lands and buildings, and valuing each lot separately ;
Full names of proprietors, &c. : Exception :	2. The full names and occupations of proprietors, and their actual residences, as far as can be ascertained ; except in the case of successions where the name of the predecessor shall be sufficient ; and where the heirs are not known according to the registrar in the registry office or do not make known their names and qualities to the assessors.
Actual value, &c., of property, &c. ;	3. The actual value, as well as the <i>bona fide</i> rent, of such immoveable property, and if the assessors consider that such rent does not represent, or is disproportionate to the annual value of such property they shall insert, in the assessment roll, the actual annual value thereof ;
Amount of assessments, &c. ;	4. The amount of assessments imposed on immoveable property by law and in virtue of any provision of this charter ;
Necessary information for school tax ; Any other information required.	5. The necessary information for the compilation of the panels for the school-tax ; 6. Any other information required by law or by the council.

§ 3.—*Tax Ro'l*

**376.** The assessors shall also make, between the first of May and the first of August of every year, a tax roll which shall specify all the personal, business and water-rates due to the city in virtue of any law or by-law, and the names of all persons liable therefor.

This roll shall be prepared according to wards.

Annual tax roll and what to contain.  
Roll for each ward.

§ 4.—*General Ru'es*

**377.** It shall be lawful for the city-treasurer to make credit entries of payments, on the margin of the said valuation and assessment roll and on the said tax roll, and all necessary figures to calculate, and establish the unpaid balance outstanding at the end of the fiscal year; provided that in other respects the said rolls are in no wise altered or changed.

Credit entries, &c., may be made on margin of valuation roll, &c.  
Proviso.

**378.** It shall be the duty of every rate-payer and citizen to give, when requested, all information that may be sought by any of the assessors in the discharge of their duties; and any person refusing to give such information, or who knowingly misleads or deceives any of the assessors, or insults or assaults them, or refuses to allow them, in the discharge of their duties, to enter in or upon the property or premises owned or occupied by him, shall for each offence, incur a penalty not exceeding \$20.00, recoverable before the recorder's court.

Duty of rate-payers, &c., to give information, to assessors.

Penalty for default, &c.

**379.** Immediately upon the completion of the tax roll, as well as later, upon the completion of the valuation and assessment roll, the board of assessors shall give public notice of such completion by advertisement, in two daily newspapers published in the French and two in the English languages specifying in each advertisement the delay for examining said rolls, as regards the several wards of the city, which delay shall not be less than eight days from the date of the last insertion of such notice; and the said notices shall also announce the days on which each of the said rolls, respectively, will be revised, specifying, in particular, the days on which the rolls affecting the different wards of the city will be revised.

Notice of completion of and delay for examining rolls to be published.

To contain also notice of days fixed for revision of rolls.

The revision of the tax roll shall be completed not later than the twentieth of August in each year, and the revision of the valuation and assessment roll shall be completed not later than the twentieth of September in each year.

When revision to be completed.

**380.** During the delays fixed by the said notices respectively, the board of assessors shall receive all complaints that may be brought before it, respecting any entries or

During delays, board of assessors to receive com-

plaints and decide thereon but not later than certain day.

omissions in the tax roll, or in the valuation and assessment roll, at the respective times and places announced by said notices, and may adjourn, from time to time, as may be necessary, to hear and determine such complaints, but it shall give its decision in the shortest delay possible, and shall in no case go beyond the thirtieth of November.

How complaints against valuation roll to be made and heard, &c., and proceedings thereon.

**381.** All complaints in respect of the valuation and assessment rolls must be made in writing, and the board of assessors shall have power to hear and examine upon oath the parties interested or their agents, in respect of such complaints, and, thereupon confirm or amend the entries complained of.

Record of proceedings of assessors. Delays.

**382.** The board of assessors shall keep a succinct record of its proceedings upon any verbal or written complaints.

No complaints as to any entry in any tax roll, or in any valuation and assessment roll, shall be received after the expiration of the delays fixed as aforesaid for the examination and revision of such rolls.

Complaints as to tax roll need not be in writing.

Complaints as to the tax roll need not be made in writing, unless so required by the board of assessors.

Appeal to recorder's court from decision and proceedings thereon.

**383.** Any rate-payer having duly complained of any entry or omission in the said rolls or either of them, who may think himself aggrieved by the decision of the assessors, may, within eight days, appeal from such decision by petition to the recorder's court, which shall have jurisdiction in all such cases. All such petitions, together with a copy of the proceedings had in each case before the assessors, duly certified by the secretary of the board, shall be filed with the clerk of the recorder's court, who shall give each petitioner notice of the day and hour when the said court will proceed to hear and determine the merits of the complaint.

Evidence may be adduced.

When the cases are heard, evidence may be adduced by the parties interested upon the matters at issue.

Final appeal to judge of superior court on summary petition and proceedings thereon.

**384.** A final appeal shall lie from any decision rendered by the recorder's court in respect of any entry on the valuation and assessment roll or on the tax roll, to any one of the judges of the superior court, by summary petition, either in term or vacation, within a delay of ten days from and after the decision, and it shall thereupon be lawful for any judge of the superior court to order that the record of the proceedings of the recorder's court, together with the complaint itself, be transmitted to him, and, upon receipt thereof, and after having heard the parties, either in person or by attorney, to give such judgment as to law and justice shall appertain, and such judgment shall be final.

When complete rolls to be delivered

**385.** As soon as the board of assessors shall have completed the revision of the valuation and assessment roll and the tax roll respectively, it shall deliver the same to the city-



treasurer, duly signed and certified under oath before the mayor or city-clerk and signed by not less than a majority of the members of the board; and thereupon, except in respect of any case appealed from, the said rolls shall be binding upon all persons named or assessed therein for the amounts fixed by the said rolls respectively, and shall remain in force until a new roll or rolls have been completed and put in force in accordance with the provisions of this charter.

to city-treasurer.  
Rolls thereafter binding and remain in force until new rolls completed.

**386.** Upon receipt of the said rolls, or either of them, or of any assesment roll made under the provisions of this charter, the city-treasurer shall give public notice thereof, in the form No 25.

City-treasurer to give notice on receipt of rolls.

**387.** If any rate-payer neglects to pay the amount of taxes or assessments due by him, the city-treasurer may, after having mailed or delivered to such rate-payer a notice according to form No 26, and after the expiration of the delay therein mentioned, levy the same, with costs and interest, by warrant to be issued by the recorder's court, in the form No 27, authorizing the seizure and sale of the goods and chattels of the person bound to pay the same, or of all goods and effects in his possession, in whatever place within the city such goods and effects may be found, saving the exemptions provided by law, and no claim of ownership or preference in connection with the same shall prevent the sale thereof, for the payment, out of the proceeds of such sale, of any taxes or assessments due on the premises where the said goods and effects are found.

If rate-payer neglects to pay, city-treasurer may, after notice, levy amount with costs by warrant from recorder's court.

**388.** The legal privilege of the city for all personal and business taxes and water-rates due to it or any interest thereon, and costs, shall extend to all moveable goods, chattels, and effects, that may be found upon the premises occupied by the debtor on the day of the seizure mentioned in the preceding article, and also upon any other goods and chattels that may belong to him, wherever found at the time of their seizure by the city.

Extent of city's privilege for taxes, &c.

The city may subrogate to all its rights and privileges any person paying the taxes of another, with the consent of the debtor.

Power to subrogate in city's rights.

**389.** Before proceeding to the sale of such goods and chattels for the payment of taxes, the treasurer shall give notice, in the form No. 28, of the day and place of sale, and of the name of the debtor in default, which notice shall be posted in a conspicuous place at the entrance of the city-hall, and a copy thereof mailed to the last known address of the person in default, at least three clear days previous to such sale.

Notice to be given before proceeding to sell.

Quantity of goods, &c., to be sold.

**390.** No larger quantity of goods and chattels shall be sold than shall be sufficient to pay the amount of the debt, interest and costs; unless from the nature of the article to be sold, it is impracticable so to limit such sale.

Disposal of surplus of proceeds of sale.

If the goods and chattels seized are sold for more than the whole amount exigible under the writ of execution, the surplus shall be returned to the person in whose possession such goods and chattels were when the seizure was made; but if any claim for such surplus is previously made by any person by reason of any right or privilege thereupon, and such claim is admitted by the person against whom the seizure is made, such surplus shall be paid to such claimant; if such claim be contested, the surplus money shall be retained by the treasurer, until the respective rights of the parties be determined by the court.

Errors, &c., not to invalidate roll.

**391.** No error, omission, or informality in the preparation, completion, publication and putting into force of any tax roll or valuation and assessment roll, shall invalidate the same, unless an actual injustice results therefrom.

Proviso.

Informalities in roll not to affect status of elector, &c.

No informality in the completion or confirmation of these rolls shall affect the status of any elector in any suit under this act whose name is entered thereon as qualified to vote.

Power of board may be exercised by majority.

**392.** All powers hereby vested in the said board of assessors may be validly exercised by a majority of the board.

School taxes may be included in register.

**393.** The roll for school taxes may be included in the register containing the assessment roll for immoveables, and with the same formalities.

Revision of panels by treasurer.

The treasurer may also revise the panels of such school roll in the same manner and with the same effect as if they were in a separate book or roll.

Supplementary rolls and what to contain.

**394.** At any time after the completion of the valuation and assessment rolls, and the municipal and school tax rolls, the assessors shall make a supplementary roll, containing the names of all persons who have been omitted in the first rolls, or who have since become liable for the payment of any assessments, taxes or other municipal dues, and such supplementary roll shall be closed on the thirtieth of November and shall not be subject to any revision.

Copy of valuation and assessment roll for publication.

Publication, &c., thereof.

**395.** The assessors shall, when ordered so to do by the council, in January of every second year, commencing with 1901, cause to be prepared for publication a copy of the valuation and assessment roll then in force as prepared under article 375. This roll may be published and made accessible for citizens in such manner as the council shall by resolution provide.

## SECTION XVIII

## SALE OF IMMOVEABLES FOR TAXES AND ASSESSMENTS

**396.** It is the duty of the city-treasurer to prepare, before the first day of May, every year, a schedule containing a legal description of every immoveable in the city on which, at least, two years' arrears of assessments (or any portion thereof) have accrued,—or on which the assessment (or any portion thereof) for any single year (or any portion thereof) shall have been due and unpaid for more than one year,—or on which any special assessment or instalment (or portion thereof) shall have been due for more than one year,—with the names of the proprietor as they appear upon the latest valuation and assessment roll of the city, and a statement of the amount due in each case, with accrued interest.

Treasurer to prepare schedule of property in arrears for taxes, &c.

**397.** The city-treasurer shall then cause to be served at, or mailed by registered letter to the domicile or place of business of the last assessed owner on the said valuation and assessment roll, a statement showing the amount due, with a notice that the immoveable will be sold by the sheriff, in default of payment within ten days from the date of mailing or service of such notice.

Notice to be given last assessed owner.

In the event of the immoveable having changed owner subsequent to the completion of the latest valuation and assessment roll, then the said notice may be mailed or served upon the last registered owner.

Notice to last registered owner in certain cases.

If the last assessed or registered owner has no known domicile within the Province of Quebec, or has no known representative, the formality of the notice shall not be required.

If domicile of owner not known, &c., in such case.

When the entry or entries under any cadastral number or subdivision thereof in the registry office do not disclose its owner, or when the title to the immoveable is not sufficiently clear to make known such owner, the service or mailing of the statement and notice upon the last assessed owner, in the manner above-described, shall be valid.

When owner is not sufficiently described.

When the assessed immoveable is placed on the valuation and assessment roll as belonging to a succession or to co-proprietors, the statement and notice, if served upon or mailed, by registered post, to any two of the legal heirs or representatives, or upon any two of the co-proprietors, shall be sufficient.

When property belongs to a succession.

**398.** If the amount due is not paid within the said period of ten days, the city-treasurer shall deliver such schedule, duly certified by him, to the sheriff of the district of Montreal, who shall, without the formality of a *procès-verbal* of seizure, proceed to the sale of all the immoveables described therein, after having published a notice thereof, as provided in the following article.

Schedule to be delivered to sheriff and sale by that officer after notice.

Form of notice by sheriff.

**399.** The notice to be given, as aforesaid, by the sheriff, may be in the form No. 29; it shall comprise as many immoveables as the sheriff has been required to sell, for the levying of the amount due to the city, with interest and costs.

Description of immoveables in notice.

In the said notice, it shall be sufficient to describe the immoveables by the cadastral number, or subdivision of a cadastral number, of the immoveable on the official plan and book of reference, and by adding the word "part" when such immoveable is only a portion of a lot having a cadastral number or subdivision, and by adding the name of the street and the contents; but the sheriff shall refer, in the said notice, to the schedule prepared by the city-treasurer, in accordance with article 396.

Reference to schedule.

Publication of notice, &c.

Such notice shall be published twice during one month, reckoning from the first publication and before the day fixed for the sale, in the *Quebec Official Gazette*, and also in one English newspaper and one French newspaper, published daily in the city, and it shall also be posted at least fifteen days before the day fixed for the sale, on the property to be sold.

Copy of notice to be sent to registrar.

**400.** Immediately after the publication of the said notice as aforesaid, the sheriff shall transmit to the registrar of the registration division in which such immoveables are situated, a copy of the notice of such sale, and of the descriptive schedule of the immoveables to be sold; and the registrar shall proceed, with respect to the said immoveables, in the same manner as he is bound to do upon notices for seizures of immoveables made by the sheriff, according to law.

Duty of registrar thereupon.

Sheriff to exact deposit before adjudication.

**401.** Whenever any immoveable is offered for sale by the sheriff under this charter, he shall exact from the highest bidder, and before final adjudication, a sum of money equal to the amount of the assessments for which the immoveable is advertised to be sold, with the interest and costs, and also the approximate cost of the judgment of distribution to be prepared by the prothonotary of the superior court: nevertheless, if the amount bid is insufficient to cover such assessments, costs and interest, the amount to be deposited shall be only the amount of such bid.

Proviso.

If deposit refused.

Should the last bidder refuse or neglect to make such deposit, then the sheriff shall immediately re-offer the immoveable for sale, on the same conditions

Remedies.

All the remedies or procedure applicable to sales by the sheriff under writs of execution, as well as the legal effects thereof, shall also be applicable to sales under this charter.

Date of sale.

**402.** Sales of immoveables, as aforesaid, shall take place on the fifteenth day of October in each year, or if such day be not a juridical day, then on the following juridical day.

The immoveables shall be offered for sale separately in the order in which they appear in the notice ; and if, on the day of the sale, no bid is made, or if all the immoveables cannot be sold on the day appointed, the sale shall be postponed until the following day, and so on, from day to day, until all are sold.

Mode of procedure at sale.

The proceeds of the sale of each immoveable shall be returned by the sheriff into the superior court, to be distributed according to law.

Proceeds of sale how disposed of.

Property sold for taxes may be redeemed by the proprietor or his representative at any time within two years from the date of sale, on payment to the purchaser of the amount paid by him for such property with 15 per cent. added to such amount.

Redemption by proprietor.

**403.** No employee of the city shall directly or indirectly bid for, or become the purchaser of any of such immoveables ; and if he shall do so, such bid or adjudication shall be void.

Employees not to bid or purchase.

The city-treasurer, or a person named by him, may however bid for and become the purchaser of any immoveables, for and in the name of the city, in order to protect the interests of the city.

City may bid and purchase through city-treasurer.

**404.** All moneys which, from and after the coming into force of this act, become due to the city, for any tax, special and annual assessments or water-rates, together with interest accrued thereon and costs, are privileged debts, and rank without registration upon the proceeds of the moveable or immoveable property in respect of which such debt is due, in the order fixed and determined in articles 1994 and 2009 of the Civil Code of Lower Canada ; provided always that such privilege shall not extend beyond the amounts due for three years and the then current year, that is to say, for the year when such claim is made, and for the three years next preceding that year ; nevertheless, if the city, within three years to be counted from the time at which such tax, special or annual assessment, or water-rates become due, have taken legal proceedings for the recovery thereof, either under the provisions of this act or by an ordinary action, then its privilege shall extend and apply to all taxes, special or annual assessments and water-rates, which may have become due between the institution of legal proceedings and final judgment.

Moneys due city privileged.

Rank of such privilege.

Proviso.

Further proviso.

**405.** The special tax or assessment imposed upon the portion only of a property shall be payable and exigible by privilege taking the same rank as that given by article 404 upon the whole of the said property and, in the case of non-payment, the city may have the immoveable sold.

Privilege for certain special taxes.

**406.** Legal interest accrues on all taxes and assessments, water-rates and special taxes from the date when such taxes, assessments and water-rate are respectively due and payable.

Interest on taxes.

It shall not be lawful for the council or any of its officers to remit any part of the interest so accrued.

Not to be remitted.

Prescription.

Prescription interrupted in certain cases.

Evidence of payment of taxes, &c.

**407.** Subject to the provisions of this charter, the right to recover any tax, special or annual assessment, or water-rate under this charter, is prescribed and extinguished by four years, to be computed from the time at which said tax, special or annual assessment, or water-rate become due, provided that in cases of special assessments, payable in yearly instalments, the prescription shall only run from the time when such instalments are due respectively.

**408.** Whenever any valuation and assessment roll, or special assessment roll, is attacked or contested by proceedings, such proceedings shall be held to interrupt prescription in respect to all such assessment rolls, until the date of the final adjudication upon or determination of such judicial proceedings.

**409.** In any judicial proceeding, the production of a receipt, stamped with an official stamp of the city, and purporting to be signed by the city-treasurer, or other person for him, shall be held and taken as *prima facie* evidence of the payment of any tax, assessment or water-rate that may be due to the city.

#### SECTION XIX

#### STREETS AND HIGHWAYS—PLAN OF THE CITY

Description and recording of streets, &c.

Streets, &c., indicated on plan to be public highways.

Construction of drains in private streets, &c.

**410.** It shall be the duty of the city-surveyor to cause such of the streets, lanes, highways and public squares or any part thereof, as have been acquired by the city or have been open for public use for ten years, and not heretofore recorded, or sufficiently described, to be described and recorded in a book or register, to be kept exclusively for such purpose; and such streets, lanes, highways and squares, when entered of record, shall be deemed to be public highways.

**411.** All the streets and highways which may be indicated and projected upon any plans or maps of the city, that may hereafter be duly confirmed by the superior court, or any judge, shall likewise be deemed to be public highways and shall also be recorded in the said register.

**412.** The council may by resolution order the construction of drains in a private street or lane when the public health requires the same, and allot the cost thereof upon the proprietors as if such work had been done in the public streets of the city.

**413.** The city council may instruct the city-surveyor, after the coming into force of this charter, to lay out, indicate, and project upon proper plans or maps, all the streets, highways, places and squares of the city, with their actual limits and dimensions, within the whole extent of the limits of the city, and this shall be done for each ward, separately, but in such manner so that the plans or maps of the different wards of the city shall correspond to each other, and form, when completed and confirmed by the superior court, as hereinafter provided, one plan, to be known as "The General Plan of the City of Montreal." provided however that this clause applies only to continuations of the city plans as homologated and now in force.

General plan  
of the city of  
Montreal to  
be made.

Name.

**414.** When the said map or plan shall be completed the city-surveyor shall submit the same to the council and if the said plans or maps shall be approved by the council, by a two-thirds majority of the council, the city-attorney shall thereupon apply, by summary petition, to the superior court or any of the judges thereof, for the confirmation and ratification of the said plan or map, after having given public notice of the day and hour at which the said petition shall be so presented, in four newspapers, two of which must be published in the French language, and two in the English language, in the city, provided that the said notice shall have at least two insertions, in each of the said newspapers, and that at least twenty days shall elapse between the date of the last insertion of the said notice and that of the presentation of the said petition.

Approval and  
confirmation  
of plan.

Notice there-  
of.

**415.** No modification or addition to any judicially confirmed plan or map of the city shall have any effect unless the same shall be approved by two-thirds of the members of the whole council, at a meeting thereof, and thereupon, the superior court, or any one of the judges thereof, may, upon the petition of the city, of which public notice shall be given in the manner indicated in the preceding article, order that the said general plan of the city be modified, or added to accordingly.

Modifications  
to plan, ap-  
proval and  
confirmation  
thereof.

**416.** A copy of the general plan of the city, certified by the city-surveyor shall be deposited in the office of the prothonotary of the superior court, for the district of Montreal, in the office of the city-clerk and in each of the registry offices of the city; and all modifications or alterations of, or additions to the said plan or map shall be certified and deposited in the same manner; and the said copies of the general plan of the city, and all modifications, alterations, or additions thereto, shall be certified by the prothonotary

Deposit of  
plan, &c.

of the said superior court in the following words: "confirmed by the Superior Court, on the day of

City not bound to carry out openings, &c., of streets indicated thereon unless so directed by council.

Proviso as to damages, &c.

**417.** The city shall not hereafter be obliged, by reason of the confirmation of any plan or map of the city, or any modification thereof, or addition thereto, to carry into effect any opening, widening or extension projected or indicated thereby, unless the council shall so decide, in conformity with the provisions of this charter; nor shall the city hereafter be liable for any indemnity or damages whatever by reason merely of the confirmation of such plan, or any alteration or modification thereof, or addition thereto.

City not liable for damages, &c., after confirmation of plan, &c.

**418.** The city shall not be liable for any indemnity or damages claimed with respect to any building constructed, or improvements, leases or contracts made by any person whatever, upon any land or property, after the confirmation of any plan or map, or of any modification or alteration of, or addition thereto.

When city may open streets, &c., and formalities to be observed.

**419.** The city shall not open, widen, or extend any street, lane, highway or square, unless the same are indicated and projected on the said general plan of the city, or some modification thereof, or addition thereto; nor unless at least two months have expired since the judicial confirmation of any such plan or map, or modification thereof, or addition thereto; nor shall any opening widening or extension be begun, or take place or have any effect, until and unless the formalities hereinafter prescribed, relative to the mode of expropriation, are strictly observed, nor unless provision is made for the payment of the cost of said opening, widening or extension, and of all damages and indemnities that may be payable or exigible, together with costs of all proceedings incident thereto.

Names of streets, &c., and changes therein, &c.

**420.** The council is hereby empowered to assign names for the streets, highways and squares of the city, but if any change be made by the council in the name of any street, highway or square, the city-surveyor shall report such change without delay to the registrar of each division in the city.

Notice thereof how given, &c.

Notice of homologation and of all changes in the plan of the city and all changes of streets shall be given in the same way as for the passing of a by-law.



## SECTION XX

EXPROPRIATIONS, ASSESSMENTS FOR SIDEWALKS, SEWERS,  
AND PAVEMENTS, AND EXPROPRIATIONS OF  
PUBLIC FRANCHISES

§ 1.—*Expropriations in the general interest*

**421.** The council shall not authorize or resolve upon any expropriation proceedings for carrying out any improvement in accordance with the provisions of this charter, unless and until they have had a report made to them as to the probable cost of the said improvement established by two of the assessors and by the city-surveyor.

Estimate of cost of expropriation, before ordering same.

**422.** Upon such report, if any immovable property is, in accordance with the provisions of this charter and in the opinion of three-fourths of the entire council and with the consent of the mayor, required for any improvement or purpose of public utility, the same may be acquired by purchase or agreement; but, if such property is not so acquired, the same may afterwards, and without special proceedings being taken towards such acquisition by purchase or agreement, be acquired by expropriation, and the price or compensation therefor fixed and determined as hereinafter provided.

Acquisition of property for improvements.

**423.** In case the immovable is acquired by purchase or agreement, no greater price shall be paid therefor than the average of its value on the valuation and assessment roll for the four years preceding the year upon which the said expropriation is determined upon, plus twenty per cent. thereof.

Limit of price, if property is acquired by agreement.

**424.** In all cases where the property to be expropriated consists of vacant land, the price, indemnity and compensation, which alone shall be payable to the proprietor of such land, shall not exceed the average of the value of the land to be expropriated according to the valuation and assessment rolls for the four years preceding the year when such expropriation is determined upon, plus an amount not exceeding twenty per cent upon such value.

Price, if property is vacant.

**425.** In all cases where the whole or a portion of the land expropriated is built upon, the amount to be paid by the city for the land actually expropriated shall be determined in accordance with the provisions of the preceding article.

Basis of price for buildings.

By whom  
price deter-  
mined.

The amount paid by way of indemnity for the building or buildings, or so much thereof as may be taken for the purposes of the said expropriation, shall be estimated by the expropriation commissioners as hereinafter provided.

Right to ac-  
quire the  
whole cadas-  
tral lot and  
fixing of  
price.

**426.** In all cases where a portion of a cadastral lot is required for the purpose of expropriation, and in cases where a building is built upon more than one cadastral lot, the city shall have the right to acquire by expropriation the whole of the lot or lots, as may be occupied by the said building affected by the expropriation, by paying to the proprietor thereof an amount not exceeding the average of the value of the land and of the buildings as established by the valuation and assessment roll for the two years preceding the year when the improvement was resolved upon, plus an amount not to exceed twenty per cent. on the value of the land as so established and of twenty-five per cent. of the said average value of the buildings.

Proprietor  
may require  
the city to  
buy the whole  
cadastral lot  
in certain  
cases.

**427.** In all cases where a proprietor whose immovable is to be expropriated shall have less than forty feet in depth remaining to him of the lot, of which only a part is required, and in all cases where a proprietor's building, constructed upon more than one cadastral lot, may be in part expropriated he may require the city to take the remainder of his lot or the lots or portions of lots upon which the residue of the said building is erected and to pay therefor in accordance with the provisions of the preceding article.

Limit of in-  
demnity for  
tenants.

**428.** No indemnity, damages or compensation shall be paid to tenants of any land or building, required in whole or in part for expropriation purposes, beyond an amount which shall not exceed the remainder of the current year and of one other year's rent of the premises occupied by them; and then only in cases where the lease is for one or more years beyond the year current at the time of the adoption by the council of the resolution for such expropriation.

Value of cer-  
tain improve-  
ments may be  
allowed to  
tenant.

The commissioners may award the value of such repairs and fittings as may have been made by a tenant prior to the passing by the council of the resolution concerning the expropriation, provided that the same are not included in the valuation of the building.

No indemnity  
to tenants in  
certain cases.

No indemnity shall be allowed, in any event, to tenants whose leases shall have been made or who shall have taken possession of the premises subsequent to the resolution of the council for the said expropriation.

Appointment  
of board of  
expropriation  
commission-  
ers.

**429.** For the purpose of ascertaining the compensation to be paid to the proprietor whose building may be affected by such expropriation, and subject to the reserves and rights of the city as hereinbefore provided for the

acquisition of the whole or part of the said buildings and for the purpose of determining, subject to the above provisions, the rights, if any, of the tenants of such buildings, a board of expropriation commissioners shall be appointed.

Such board shall consist of one of the recorders of the city, (who shall be the president and convener of the said board) two of the assessors of the city to be named by the council, and two other commissioners, who shall be named by the superior court or a judge thereof upon a petition to that effect to be made by or on behalf of the city after continuous notice in two daily papers published in the English language and in two daily papers published in the French language during a period of at least two weeks. The two latter commissioners shall be appointed upon the exclusive suggestion of the party to be expropriated.

Composition of board.

Petition and notice for certain appointment.

There shall be no appeal from the decision of such commissioners.

Decision of board final.

**430.** The notice of the aforesaid petition and the petition itself shall contain a description of the properties to be expropriated.

Contents of notice and petition.

The court or judge to whom such petition shall be presented shall fix a day on which the commissioners shall commence operations and also the day upon which they shall make their report, but such times respectively may be extended for cause by the court or judge upon petition made by or on behalf of the city.

When board to commence and finish operations.

**431.** The proceedings of the said commissioners shall not be voided or set aside on account of an insufficient or incomplete description of any of the immovables to be expropriated, or of the want of any other formality required by this charter, unless exception shall be taken thereto prior to the confirmation by the court or by a judge of the report to be made by the commissioners, and also unless it be shown that serious injustice may thereby have been caused to the party complaining.

Irregularities in proceedings not to vitiate, &c.

Proviso.

**432.** If, at any time after his appointment, any of the commissioners fails in the performance of the duties assigned to him, or does not fulfil such duties in a faithful, diligent, and impartial manner, it shall be lawful for the city, by its attorney, to apply, by summary petition, to the superior court, or to a judge thereof, as the case may be, to stay proceedings, and to remove and replace the commissioner who so misconducts himself; and upon such petition, the court or judge, may issue such order as may be deemed conformable to justice.

Removal and replacing of commissioners in case of negligence, &c.

**433.** In case any of the commissioners dies, or is disqualified, or unable to act, the said court, or one of the judges thereof, as the case may be, shall, upon a summary

Replacement of commissioners in case of death, &c.

petition to that effect, to be presented by the city after two clear days' notice, to be established to the satisfaction of such court or judge, replace such commissioner by another competent and disinterested person, upon whom the said office shall be binding in the same manner as upon his predecessor.

**Duty of commissioners to proceed with diligence.** **434.** In arriving at their decision in connection with such expropriation, the said commissioners, shall proceed, after their appointment, with all diligence, to establish the value of the land and buildings to be expropriated, in accordance with the foregoing articles.

**Oath of commissioners.** They shall, with the exception of the recorder, before proceeding, be sworn before the prothonotary of the superior court to perform their duties faithfully, diligently and impartially.

**Powers.** They shall have power to send for, subpoena and examine under oath witnesses, as well as all parties interested, and may require the production of titles and documents; they shall inspect the properties to be expropriated and shall take any other means which they may see fit to establish the true and correct amount of the indemnity to be paid for the land and buildings to be expropriated, and shall report as to the cost to the city of the acquisition of the whole properties as hereinbefore provided, as well as of the portions to be expropriated.

**Report and what to contain.** Their report shall be signed and shall establish the amount at which the city shall have the right to acquire the immoveables which are required for the purposes of the said expropriation.

**Signature to report.** The report may be validly signed by the majority of the commissioners.

**Duty of commissioners respecting tenants' claims.** **435.** The said expropriation commissioners shall also hear and examine any claims of tenants pretending to be affected by such expropriation proceedings, and shall report and make awards thereon in accordance with the limitations and requirements set forth in the foregoing articles.

**Costs of expropriation.** **436.** No fees for witnesses, stenographers, advocates or counsel for any proceedings before the commissioners shall be payable by the city.

The commissioners who are not city officers shall be entitled to fees as follows :

For appraising vacant immoveable property, hearing witnesses, and making award : for each immoveable \$10 00

For appraising immoveable property containing buildings, hearing witnesses, and making award :

for each immoveable..... \$15 00

For appraising tenants' claims : for each award..... \$10 00

**437.** No indemnity or damage shall be allowed for any building, structure or improvement made upon any immoveable after notice has been given in the council of the resolution for the purpose of such expropriation, provided that such be followed by proceedings in expropriation within the year.

No indemnity recoverable for buildings erected after notice of expropriation.

**438.** So soon as the commissioners have completed and signed their report in accordance with the foregoing provisions, they shall deposit the same in the office of the city-clerk, who shall forthwith give public notice thereof, and of the day on which such report will be submitted to the superior court, or to one of the judges thereof, as the case may be, for confirmation or homologation; and such report shall not be submitted before the expiration of ten days at least from the first publication of such notice.

Deposit of report of commissioners and notice.

**439.** On the day specified in such notice, the city shall submit to the superior court, or to one of the judges thereof, the report of the commissioners for confirmation and homologation; and such court or judge, as the case may be, upon being satisfied that the proceedings and formalities hereinbefore provided have been observed, shall confirm and homologate the said report; and such order thereon shall be final as regards all parties interested, and shall not be subject to any appeal.

Homologation of report.

**440.** Within sixty days after the homologation of the report of the commissioners, the city council shall pass a by-law which shall make provision for the means by which the cost of the said expropriation will be defrayed; and if there are no funds at the disposal of the city for that purpose, the council shall provide for the payment of the cost of such expropriation and of the indemnities by means of a loan, which they are authorized to make therefor; but such loan shall only be made in accordance with the terms of a by-law which shall be previously passed and adopted according to the formalities required for by-laws of the city.

Loan to pay indemnity ordered by by-law.

The by-law shall mention the purpose for which the money is borrowed, the period, manner and place at which it will be repaid, and shall impose a special tax, to be levied upon all the assessable real and immoveable property within the city sufficient to provide for the interest of the said loan, and a sinking fund which shall be sufficient to extinguish the amount of the capital thereof at the expiration of the period of the loan which shall not in any case exceed forty years.

Contents of by-law.

Should the council fail to make provision for the cost of such expropriation as herein required within the period of sixty days, the interested parties shall have recourse against

Recourse of interested parties, if city neglects to

provide for  
payment of  
indemnity.

the city for damages and such other legal remedies as are by law allowed.

Deposit of in-  
demnity after  
passing of by-  
law.

**441.** Within thirty days from the passing of such by-law, the city shall deposit in the hands of the prothonotary of the superior court the amount of the price or compensation, as established by the report of the commissioners and adopted by the council, for the immoveable properties which are to be acquired by the city under such expropriation proceedings, of which deposit the prothonotary shall grant an acknowledgement in writing.

Effect of de-  
posit.

Such deposit and acknowledgment shall constitute on behalf of the city a legal title to the property in each of the immoveables expropriated, and thenceforth all proprietors of or other persons interested in such immoveable properties shall be divested of all rights and claims thereto, and the city shall be vested with such immoveables and may of right and without any other formality enter into possession of and use the same for any purposes authorized in and by this charter.

Expropria-  
tion purges  
hypothecs,  
&c.

**442.** Any expropriation made in virtue of this charter shall have the effect of canceling all mortgages, privileges and encumbrances whatsoever with which such immoveables may be charged; but the price or compensation deposited in the hands of the prothonotary as aforesaid, shall be held to represent such immoveables as regards such mortgages, privileges or encumbrances, the rank and priority of which shall be preserved in the distribution to be made of the moneys deposited conformably to this charter.

Parties hold-  
ing property  
in trust may  
sell to city,  
&c.

**443.** Corporations, husbands, tutors, administrators, guardians, curators, institutes under substitutions or trustees, who are seized or possessed of, or interested in any immoveable, subject to expropriation, may (not only for themselves, but for and on behalf of the persons whom they represent, or for whom or in trust for whom they are seized, possessed or interested, whether minors, issue unborn, lunatics, idiots, femmes covert or other persons,) contract for, sell and convey such immoveable to the city.

Validity of  
such sales,  
&c.

Such contracts, sales and conveyances shall be valid and effectual in law, to all intents and purposes whatsoever.

Personal ir-  
responsibility  
for such sales,  
&c.

All corporations and persons contracting, selling or conveying as aforesaid, are hereby indemnified for and in respect of such sale or cession which they shall respectively make, without however diminishing, in any manner whatsoever, the responsibility of such corporations or persons towards those whom they represent as regards the purchase money or compensation of such sales or conveyances.

In such case, the price shall not be paid to the vendor, until the authority of the court or judge shall have been obtained for such payment; and if such authority be not obtained within three months from the execution of the conveyance, the city may relieve itself from all further responsibility, in respect of such price, by paying the same into the hands of the prothonotary of the superior court for the benefit of whom it may concern.

Authoriza-  
tion of court  
required be-  
fore payment  
of price.

**444.** When the money is deposited in the hands of the prothonotary as aforesaid, the superior court, or any of the judges thereof during the vacation and out of term, shall determine the mode of calling in the creditors of the party entitled to such money or his legal representatives, and all other parties interested, and issue such orders as may be deemed advisable and just as regards the delivery or distribution of the money, or any other matter in connection with the claims or demands of the parties interested; provided always that, when the price or compensation and damages are paid to the expropriated party himself, the amount so paid shall not be subject to the tax imposed by and in virtue of the act 12 Victoria, chapter 112; (See Revised Statutes of the Province of Quebec, articles 2749, 2751 and 2755,) nor to the commission which the prothonotary of the superior court is entitled to receive, nor to any other tax or commission.

Distribution  
of moneys.

Proviso.

If, however, the amount of indemnity does not exceed \$100.00, the formalities herein prescribed shall be dispensed with, and such amount shall be delivered forthwith by the prothonotary to the expropriated party.

Procedure, if  
indemnity  
does not ex-  
ceed \$100.

**445.** The deposits mentioned in the preceding article shall be judicial deposits within the meaning of section nineteen of chapter five of title four of the Revised Statutes, (Articles 1192 and following.)

Deposits are  
judicial de-  
posits.

## § 2.—Expropriation for Local Improvements

**446.** The council may decide that any street or portion of a street may be widened or extended, new streets be opened or a square or other open space created or enlarged, upon a petition to that effect signed and presented to the council by proprietors representing the majority in number and value, according to the then existing assessment roll of the city, of the properties bordering on the portion of the street proposed to be widened, or on the prolongation or extension thereof, or on the new street or square, as the case may be.

Power of  
council to  
order certain  
improve-  
ments upon  
petition of  
proprietors.

**447.** Such petition shall set forth the nature of the improvement asked for, the description of the properties

Contents of  
petition.

bordering on such proposed improvements and the average assessed values thereof for the four preceding years, and the amount which the said proprietors, whose property is to be expropriated for improvements, are willing to accept therefor.

Appointment  
of commis-  
sioners to fix  
indemnity.

**448.** Upon such petition, the council of the city may, in its discretion, proceed by resolution, in accordance with the provisions of this section, to appoint commissioners to establish the value of the immoveables to be expropriated, the proprietors whereof have not joined in the petition aforesaid. There shall be paid to the proprietors who have signed the petition only the amount which they have fixed in their petition, and this amount is determined by the expropriation commissioners.

Basis of valu-  
ation.

The expropriation commissioners shall also, in accordance with the terms and provisions in this section set forth, determine the damages, if any, due to tenants of the properties to be expropriated, and shall make a report thereon, which shall be deposited and confirmed and homologated in the manner provided by articles 438 and 439.

Deposit of re-  
port of com-  
missioners.

**449.** The commissioners shall, upon the completion of their report, deposit the same in the office of the city-clerk, and the provisions of articles 438, 439, 440 and 441 shall apply to the proceedings held in accordance with the preceding articles.

Payment of  
cost by pro-  
prietors bor-  
dering on  
street.

**450.** The cost of such expropriation shall be borne exclusively by the proprietors whose lands border upon such portion of a street, the widening whereof is provided for by such expropriation, or such new street, prolongation of street or square, as the case may be.

Apportion-  
ment of cost.

The cost shall be distributed upon such proprietors by means of a roll which shall be prepared by the city-surveyor.

Basis of ap-  
portionment

By such roll, the cost of such expropriation is apportioned amongst the proprietors aforesaid in proportion to the frontage of their immoveables, irrespective of any buildings which may be thereon erected.

Notice of ex-  
amination of  
roll by city-  
surveyor.

The city-surveyor shall give public notice of a day when the contributors charged may examine such apportionment and state to him their objections thereto before the same be completed and put in force; such notice to be given by registered letter mailed to each of the contributors and by public notice to be published during the period of ten days in one French and one English newspaper.

Decision of  
city-inspec-  
tor.

He shall hear and determine such objections as may be made in a summary manner, from which there shall be no appeal.



The amount due under such apportionment shall be collected from the proprietors owning such real estate, and shall be recoverable in the same manner as other taxes and assessments. Recovery of apportionment.

**451.** The amount of indemnity to be paid to the proprietor whose property is expropriated in accordance with the provisions of this section shall not be payable until the same shall have been recovered by the city from the proprietors liable to pay therefor. When indemnity is payable.

No interest shall be paid by the city to any proprietors or tenants indemnified, unless and until the cost of the expropriation has been collected by it. Interest on indemnity.

**452.** Every year, at such period as the council shall fix by by-law or resolution, any proprietor of an immoveable, who has erected permanent buildings on the new homologated line or whose whole land has been taken by the new line, may have the portion of land between the two lines expropriated by ceding to the city the said portion of land, of which the city-surveyor shall be bound to make a plan. Expropriation of property if built upon a new homologated alignment.

Two of the city-assessors shall then be appointed by the mayor to value the portion ceded to the city. They shall value it at the average price at which the property has been assessed for three years previous to their valuation, and shall report in writing to the council their decision. City-assessors to value and report.

On the confirmation of their report by the council, it shall be referred to the city-surveyor, with instructions to apportion the cost of the land in question, upon the owners of immoveables on each side of the street according to frontage, in equal proportions. Apportionment of cost by city-surveyor.

The roll of apportionment when certified by the city-surveyor and filed with the city-treasurer shall be equivalent to and have the same force and effect as a final roll of special assessment, and the amounts therein shall thereupon become due and payable without further delay. When apportionment may be collected.

The proprietor shall not be paid before the money has been collected by the city-treasurer, and shall not be entitled to any interest, provided he is paid within three years from the coming into force of the assessment roll. When proprietor to be paid.

### § 3.—*Assessments for Sidewalks, Drains and Sewers*

**453.** It shall be lawful for the council to order, by resolution, the construction of sidewalks made of any durable and permanent materials, other than wood, in any street, square or place in the city, and that the cost of such construction be defrayed out of the city funds, to an extent not exceeding one-half of such cost, and the remainder thereof to be apportioned upon the land situated on the Construction of sidewalks in permanent materials and payment of the cost by means of an apportionment.

side of such street, square or place on which such sidewalk is constructed.

Basis of apportionment.

Such apportionment shall be made in proportion to the frontage of such land; provided that no such resolution shall be adopted until after the cost of such construction shall be established by a report to be made to the council by the city-surveyor, and provided also that a notice specifying the nature and cost of such construction be sent by registered mail to each of the proprietors liable to contribute as their names may appear on the then existing assessment and valuation roll.

Right of majority of proprietors of lands subject thereto to object to construction.

If the majority in number and in value of the proprietors of the lands subject to contribution for the construction of a sidewalk, shall, within fifteen days after the date of such notice, file, with the city-surveyor, an objection in writing to such construction, he shall report accordingly to the council, and in such case the said sidewalk shall not be made.

By whom and how apportionment is made.

Application of article 450.

**454.** The apportionment of the costs of construction of a permanent sidewalk as aforesaid shall be made by the city-surveyor in accordance with the terms of article 450.

The provisions of the said article shall also apply to the assessment in cases of construction of drains made under and by virtue of any by-law authorized in accordance with the provisions of this charter.

#### § 4.—*Pavements*

When streets are to be paved and how to be paid for.

**455.** No paving of any street, lane or highway shall be laid or constructed, unless asked for by the majority of the proprietors in number and value, whose properties abut thereon; and the cost of such paving shall be paid as follows:—One-half by the city, and the other half by all the proprietors whose properties abut on the street, lane or highway so paved; subject, however, to the provisions contained in articles 453 and 454; but the council may, by vote of two-thirds of its members, decide to pave any street or highway in the manner it may judge proper, and to pay for the same out of the revenues of the city in accordance with the provisions of this act.

#### § 5.—*General Provisions*

Delays granted for payment of assessments for expropriations, &c.

**456.** Any by-law or resolution authorizing any expropriation under the provisions of any of the foregoing articles or the construction of sidewalks, drains or sewers, may provide that any assessment which may be proposed or required for the cost of the same, be distributed over a period of not more than ten years, and payable by annual instalments, with interest on the unpaid balance at a rate of six per cent. per annum.

**457.** If when this act comes into force or thereafter, there should exist any clerical error, omission or informality in any proceedings in expropriation, or in the making of any roll of assessment prepared for the cost of any improvement, whether such error, omission or informality be on the part of the commissioners or any of them, or of those who are by law entrusted with such proceedings, the superior court, or any judge thereof, may, upon a petition to that effect, permit, in its discretion, the rectification of such error, omission or informality, upon such conditions as to costs as the court or judge may order.

Amendment of clerical errors, &c., in proceedings in expropriation, &c.

**458.** When any report or award made by commissioners, under the provisions of this section, is annulled by competent authority, the city may cause a new report or award to be made by a board of commissioners constituted in conformity with article 429.

New report, &c., if first annulled.

All the provisions of this charter, with respect to the making and revision of any such award or report and and to all matters incidental thereto, shall apply to such new report or award; provided always that proceedings for the making of any new report or award shall be commenced within six months from the date of annulment of the previous award.

Provisions applicable new report, &c.

**459.** If any special assessment or apportionment made by the city-surveyor is annulled by competent authority, he shall make another assessment or apportionment for the same purpose in the manner hereinbefore provided; and the same, when completed and revised, shall have full force and effect.

New special assessment or apportionment, if first annulled.

**460.** Whenever a roll of assessment or apportionment for any street improvement shall be annulled and set aside, the payments made under the authority of the roll shall not thereby be invalidated; but such payments, with interest added, go to the discharge of the respective amounts to be fixed by the new assessment roll, subject to the city's right to compel the rate-payers to make good any deficiency and of the rate-payer to recover any surplus, according to the difference that may eventually exist between the old and the new roll of assessment.

Payments under annulled roll for street improvements.

The present provision shall apply as well to special assessment rolls heretofore made as to those which may be made hereafter.

Application of this provision.

#### § 6.—*Expropriation of Public Franchises*

**461.** If, when any municipal franchise expires by limitation of time, or when any franchise or right to use the streets of the city is not exercised during a period of five years after the same has been acquired by any corporation

Power to expropriate public franchises in certain cases.

or individual, it is deemed advisable by the council that the city should own and administer any or all such municipal franchises, rights and privileges for the heating or lighting of the city or any of the buildings therein by gas, electricity or other agencies, or for the use of the streets, lanes, or highways of the city for railway, traction, conduits, telegraphic, telephonic, or any other purposes whatsoever, the said franchise, rights and privileges, no matter by whom they may be possessed, owned or controlled, the council may acquire the same by purchase or other agreement; and, if they are not acquired by purchase or agreement, they may be acquired by expropriation, either after, or without any step or proceeding being taken, towards any acquisition by agreement.

## SECTION XXI

## WATER-WORKS

Construction of water-works by city and powers for that purpose.

**462.** The city may construct, and maintain in and beyond the city for a distance of thirty miles, water-works, together with all appurtenances and accessories necessary to introduce, and convey throughout the city and parts adjacent, a sufficient quantity of good and wholesome water, for the use and supply of the inhabitants of Montreal and parts thereto adjacent; improve, alter or remove the said water-works, or any part thereof; change the site of the hydraulic wheels, engines or source of supply thereof; and construct and maintain all buildings, wheels, engines, reservoirs, basins and other works necessary to convey water to the city and parts adjacent thereto.

Acquisition of land, &c.

**463.** For the said purposes, the city may acquire and hold any land, servitude, or usufruct, in the city or within a circuit of thirty miles from the city limits; acquire a right of way wherever it may be necessary; pay any damages occasioned by such works, either to buildings or lands; enter into contracts with any person for the construction of the said water-works in whole or in part; and direct the works when completed; enter, during the day-time, upon the lands of private individuals for the purposes aforesaid, and make excavations, and take and remove stones, soil, rubbish, trees, roots, sand, gravel, or other materials, upon paying or offering a reasonable compensation for such materials, and by conforming in all things to the provisions hereinafter made.

Expropriation.

**464.** When the parties cannot come to an amicable arrangement with respect to the acquisition of any immoveable property for water-works or for any of the purposes mentioned in the preceding article, either within or

without the city limits, or for the right of way through such property, or any servitude thereon, the same may be acquired by expropriation in the manner provided by this charter with respect to expropriations generally.

**465.** The city may enter upon any land or property, City may enter upon land. street, lane or highway, for the purpose of laying or repairing pipes and other necessary works in connection with the water-works.

**466.** No action or suit shall lie against the city for damages resulting from the exercise of the powers conferred upon it by the four preceding articles, unless such Right of action for damages prescribed. action or suit shall be instituted within six months next after the act complained of.

**467.** If any person obstructs or prevents the city, or any person in its employ, from doing any of the said works, or from exercising any of the powers and rights hereinbefore granted, or embarrasses or interrupts them in the exercise of such rights, or causes any injury to the water-works, apparatus or the accessories thereof, or obstructs or prevents the working of the water-works, or the apparatus or accessories thereto belonging, or any portion thereof, such person shall be liable, in addition to the penalty imposed in virtue of any by-law of the city, to the damages that the city may suffer from any such act. Penalty for obstructing, &c., works.

Such damages, with costs, shall be recovered by complaint or suit before the courts having jurisdiction in the matter. How recovered.

**468.** The council shall have full power to make by-laws for the following purposes : By-laws:

1. To prohibit any occupant of a house or building, supplied with water from the water-works, from furnishing water to others, or from using it otherwise than for his own use, or from increasing the supply of water agreed upon, or from wasting it ; To prohibit occupant of house from supplying water to others, &c. ;
2. To prescribe the size, quality, strength, and location of the pipes, valves, cocks, cisterns, water-closets, baths, and other apparatus to be used in the city ; To prescribe size and quality of pipes, &c. ;
3. To regulate and establish, by a tariff, the rate for water, the time and mode of payment thereof, and the manner in which the same may be imposed and levied ; to provide for hydrometers to be placed in buildings or establishments, for the purpose of determining and measuring the quantity of water used therein ; to fix the amount to be paid therefor and the manner in which the same may be paid ; To fix tariff of rates, &c. ;
4. To prevent the pollution of the water in the aqueduct or reservoirs, and the practising of frauds upon the city, with regard to the supply of water from the water-works ; To prevent pollution of water, &c. ;

To provide for payment of water-rate by instalments, &c. ;

To provide for payment of interest on rate, &c. ;

General management.

5. To provide that the water-rate shall be due and payable by instalments after the coming into force of the assessment rolls each year, and within such delays as it shall deem proper to fix ;

6. To provide that the legal rate of interest upon the arrears of water-rate shall only be due at the expiration of such said delays respectively ;

7. To provide for any other matter, or thing of any nature or kind whatsoever, having reference to the water-works, which it may be necessary to direct, regulate or determine for the proper working of such water-works.

Notice when city is ready to furnish water.

**469.** As soon as the city is ready to furnish water to any part of the city not already supplied, public notice thereof shall be given ; and, after such notice, all persons liable to the payment of water-rate in such part of the city, whether they consent or not to receive the water, shall pay the rates fixed by the tariff.

Cost of introduction of water into houses and description of pipes.

**470.** The introduction of the water into houses or other buildings shall be performed by and at the expense of the city ; but the distribution of the water throughout such houses or buildings, after being thus introduced into them, shall be made by and at the expense of the proprietors or occupants.

Where house, &c., at a distance from line of street.

In all cases where such house or building stands at a distance from the line of the street, the city shall lay the distribution pipe to the line of the street and shall have the right to exact payment of the water-rate from the proprietor, although the latter may refuse or neglect to connect such pipe with such house or building.

If proprietor refuses to make distribution.

**471.** If any proprietor refuses or neglects to make such distribution, and the council exacts payment of the water-rate from the tenant, then such tenant may withhold from the proprietor, out of the rents to be paid him for the property he occupies, the amount thus paid by him, unless otherwise provided in the lease.

Water supply may be cut off in certain cases.

**472.** If any person causes or allows any water-pipe, valve, cock, cistern, water-closet, bath or other apparatus to be out of repair, or to be so used or contrived that the water supplied from the water-works, be wasted, or unduly consumed ; or if he refuses or neglects to pay the rate lawfully imposed for the water supplied to him, for thirty days after the same is due and payable, the city may cut off the water and discontinue the supply so long as the cause of complaint is not removed ; which shall not, however, exempt such person from the payment of such rate, as if the water had been supplied to him without interruption.

**473.** The city may make a special agreement with consumers for the supply of water, in special cases where it is considered that there is more than the ordinary consumption of water. Special agreements in certain cases.

**474.** In all cases where a dwelling house or other building is tenanted by two or more tenants, subtenants or families, the city may require from the proprietor, that a separate and distinct service pipe be by him provided for each such tenant, subtenant or family, occupying separate apartments, so that the city may, at all times have control over the supply of water furnished to each such tenant, subtenant or family, as is practised in cases of single tenanted houses; and if the proprietor, after being notified in writing to that effect by the superintendent of the water-works, refuses or neglects to comply with the requirements of this article, within a reasonable delay, not to exceed fifteen days, he shall be liable to the payment of the rates imposed for the water so supplied to the said tenants, subtenants or families; such liability, on the part of the proprietor shall continue so long as he does not comply with the requirements aforesaid. Separate pipes for each tenant. Obligation of proprietor.

**475.** Such liability shall apply to any proprietor of a row of dwelling houses or tenements contiguous to one another, who refuses or neglects to provide each such house or tenement with a separate and distinct service pipe, after notice given to him, as aforesaid; such liability also applies to the proprietor in all cases where the number of tenants, subtenants or families in a dwelling house, is such that it is impossible to provide a separate service pipe for each of them; and it shall be lawful for the city, in such cases, to exact from the proprietor the ordinary price of water for each such tenant, subtenant or family. Liability of proprietor of rows of houses, &c..

#### SECTION XXII

#### RECORDER'S COURT

##### § 1.—*Constitution of the court*

**476.** There shall be two recorders for the city of Montreal. Two recorders for city.

There shall be a court of record, to be called the "Recorder's Court," over which one of the two recorders shall preside. Recorder's court.

The said court may, in the discretion of the recorders, be held in two separate divisions, over each of which one of the said recorders may preside. The said court shall have its sittings in the city-hall, or in such other place as may be at any time set apart for the purpose by the council. Who presides, &c. Where held.

The said court shall have an official seal. Seal.

**Appointment of recorders.** **477.** The Lieutenant-Governor in council, by special commission under the seal of the Province, appoints the recorders, whom he selects from among the members of the Bar of the Province, who shall have practised as such for at least ten years, to be the recorders of the said court.

**Term of office and how removed.** The recorders shall hold office during good behaviour, and their commissions as such shall not be revoked, except upon a joint address to the Lieutenant-Governor in council passed by the Legislative Council and Legislative Assembly.

**Salary of senior recorder.** The salary of the senior recorder, as well as of the person replacing him, shall be \$4,000 per annum.

**Salary of other recorder.** The salary of the other recorder shall be \$3,000 per annum, with an annual increase of \$200 until it reaches \$4,000.

**Pensioning of recorder.** If a recorder of the city, after fifteen years service, should resign his office, or become affected with any permanent infirmity preventing him from discharging the duties of his office, the said city shall grant him a pension equal to two-thirds of the salary attached to the office held by him at the time of his retirement; and such pension, which shall begin immediately upon his retirement, shall be paid to him during his life-time, and shall be exempt from seizure or attachment.

**Application of this provision.** The provisions of this article shall apply to any recorder holding office at the time of the coming into force of this charter.

**Clerk of recorder's court, &c.** **478.** The clerk of the recorder's court shall be appointed by the council; he shall be a member of the bar of the Province of Quebec, and shall be *ex officio* a justice of the peace in and for the district of Montreal.

He shall be the custodian of the official seal of the said court.

**Duties of clerk.** **479.** The clerk shall prepare and make all writs, warrants or orders whatsoever that may be issued by the said court or by the recorder.

He shall conduct all cases and suits cognizable by the said court or the recorder, except in cases where the city or parties to suits shall deem it expedient to be represented by an advocate of their own selection.

**Oath of office of clerk and assistant.** **480.** The clerk and his assistants shall take oath of office before the recorder for the faithful performance of their duties; and the said oath shall be written in the document appointing such clerk or his assistants, and shall be subscribed to by them.

**In case of clerk's death.** **481.** In the event of the death of the clerk, the recorder shall appoint one of the assistant-clerks to act as clerk until another clerk is appointed by the council.



**482.** The recorder, with the approval of the council, Bailiffs of recorder's court. may, from time to time, appoint as many bailiffs of the recorder's court as he may deem expedient and may, with the same approval, dismiss them.

The bailiffs so appointed shall take oath before the Oath-recorder, for the faithful performance of the duties of their office and shall be officers of the said court.

The recorder shall also have the right to invoke the Service of constables. services of the constables of the city in the interests of justice.

### § 2.—Jurisdiction

**483.** Each recorder is *ex-officio* a justice of the peace Powers of recorders. in and for the district of Montreal, and is vested with all the rights, powers, and authority of the recorder's court, and of one or two justices of the peace with jurisdiction throughout the Province of Quebec, granted to certain justices of the peace by article 2572 of the Revised Statutes of the Province of Quebec.

One of them may at the discretion of the council, be a May be member of revision committee. member of any committee appointed to revise and consolidate the charter of the city of Montreal.

**484.** The recorder's court has the jurisdiction of a Jurisdiction of recorder's court: recorder and shall hear and try summarily:

1. Any action brought in virtue of any by-law or resolution of the council for the recovery of any sum of money due to the city for any assessment, license, tax, or water-rate or for the rent of any butcher's stall or other stall or stand, in or upon any the markets, or outside the same;

2. Any action for the recovery of wages or salary arising from the lease and hire of work or for the recovery of damages resulting therefrom or for moneys due hotels, restaurants or boarding-houses by their guests, or for the value of goods therein deposited and therein lost or damaged, provided that in no case shall the amount claimed exceed \$50;

3. Any action for the enforcement of any by-law.

Actions under by-laws.

**485.** The recorder's court has concurrent jurisdiction with the circuit court, or with any judge of the superior court, in matters between lessors and lessees, and has, to that end, all necessary powers and authority, including that of issuing writs of summons, execution and possession, and of fixing and determining the costs to be paid by the losing party, which costs, however, shall not include any attorney's fees; provided, always, that the jurisdiction of the recorder's court shall be limited to cases where the amount claimed shall not exceed \$50, and where the con- Concurrent jurisdiction in actions between lessors and lessees. Proviso.

sideration or annual value of the immoveables occupied shall not exceed the sum of \$100, and that the said immoveables are situated in the city.

Writ of possession.

**486.** After judgment ordering the eviction of a tenant in virtue of the next preceding article, the plaintiff may, after the expiration of three days from the service of such judgment on the tenant, obtain from the recorder's court a warrant or writ of possession which shall be executed by a bailiff of the superior court or recorder's court, or by a constable or member of the police force, each of whom is vested with all necessary authority to that effect.

May take cognizance of certain offences.

**487.** The recorder's court may hear and try summarily all offences mentioned in section 32 of the act 23 Victoria, chapter 72, as well as in articles 2783 to 2795, both inclusive, of the Revised Statutes of the Province of Quebec; and article 2782 of the said Revised Statutes shall apply to the recorder *mutatis mutandis*.

Fines under charter and by-laws.

The said court shall also have jurisdiction in all suits for the recovery or imposition of any fine or penalty resulting from any infraction of this charter or of any by-law of the city.

### § 3 — Procedure

Court when held.

**488.** The recorder's court may be held every day, and as many times as may be necessary, and it may fix any time for the trial of cases and the rendering of judgments within its jurisdiction.

Hearing of special cases.

The recorder may set apart a room where special cases may be heard and disposed of.

Application of chapter LXIII of Code of Civil Procedure.

**489.** The articles contained in chapter LXIII of the Code of Civil Procedure, which are not inconsistent with this charter, shall apply, *mutatis mutandis*, as the case may be, to the recorder and the recorder's court, in civil matters.

Proceedings in cases to be registered.

**490.** The clerk shall register daily, in a succinct manner, the proceedings had in each case or complaint brought before the court.

Record of proceedings.

It shall not be necessary for the clerk to enter at full length the procedure, judgments and convictions of the court, but a register shall be kept by him, wherein shall be set forth the name of the defendant, the nature of the debt or of the offence, the judgment, and the date thereof;

Notes on original summons sufficient record. Form of writs, &c.

The notes of the procedure endorsed on the original summons or complaint shall be sufficient record thereof.

**491.** Every summons, order, writ or warrant of any nature whatsoever, issued by the court, shall be in the name of Her Majesty; Her heirs or successors; they shall be signed by the recorder, by the clerk of the court, or by one of the assistant clerks.

**492.** It shall be lawful for any constable, officer of the peace or bailiff of the recorder's court, to arrest on view any person contravening any law or by-law of the said city, or, immediately after the commission of such offence, upon reliable and sufficient information as to the nature of the offence and also as to the persons who committed the same.

Power of constables to arrest on view, &c.

**493.** In cases tried for drunkenness or where a person is arrested on view by a police officer or constable, for any violation of the provisions contained in articles 2783 to 2795, inclusive, of the Revised Statutes of the Province of Quebec, or in section 32 of the act 23 Victoria, chapter 72, or of the provisions of this act, or of any by-law of the council, it is not necessary that the complaint be reduced to writing, but a verbal complaint, under oath, made before the recorder's court by the constable who has arrested such person, shall be deemed a sufficient complaint; however, if the accused demands that the complaint be reduced to writing, the court shall direct the clerk to do so.

Complaints for certain offences need not be in writing, &c.

Proviso.

In the case of habitual and incorrigible drunkards, the recorder in his discretion may sentence them to an imprisonment for a term of not less than six months nor more than one year.

Sentence of imprisonment for habitual drunkards.

**494.** Whenever any person is accused of an offence against the provisions of any law, or of any by-law of the council, and such person has not been apprehended on view, he may be summoned by a writ to appear before the said court, to answer the complaint, which shall be clearly and explicitly set forth in the writ; such writ shall be served upon the defendant by any bailiff or constable; provided always that, in all cases of offences for the commission whereof a fine or imprisonment is imposed under any such law or by-law, it shall be lawful to proceed against the defendant, either by writ, as aforesaid, or by warrant of arrest issued by the recorder upon affidavit made before him.

Proceedings against persons infringing by-laws, &c.

Service of writ.

Proviso.

**495.** It shall be lawful for any officer in charge of a police station before whom a prisoner arrested on view is brought, or with the authorization of the magistrate who signed the warrant, if such prisoner is apprehended by warrant, to permit such prisoner to enter into a bond, with or without bail, or with a deposit, according to the gravity of the offence, whereby he shall oblige himself to appear within two days before the recorder's court or before the recorder.

Release on bail, &c.

Condition of bail.

In default thereof, the bail shall be forfeited and the deposit confiscated for the benefit of the city, and the recorder may order the arrest of such accused.

Default to appear.

Service how  
effected.

**496.** The service of any document issued by the recorder's court or by the recorder shall be made by delivering a copy or duplicate thereof to the defendant or accused personally, or at his domicile to a reasonable person of his family, or at his place of business to any of his employees in charge thereof.

Recorder may  
prescribe  
manner of  
service.

If such service cannot be so made, the recorder may order, upon a report to that effect from the officer entrusted with the same, that it be made in some other manner, at his discretion.

Return of  
service by  
bailiff.

**497.** Every bailiff, being bearer of a writ or document to be served, issued by the recorder's court, shall make a return, under his oath of office, of all proceedings had by him in relation to such writ or document, and such return shall be sufficient proof of such proceedings for all legal purposes.

Service by  
bailiff of  
superior  
court.

**498.** Returns as to the due service of any writ or document, issued as aforesaid, from the recorder's court, may also be made by any bailiff of the superior court; and in all cases so issued from the recorder's court, any such bailiff in the superior court shall have *ex officio* full power and authority to fulfil the duties of a bailiff of the recorder's court, in the same manner as if specially appointed by the recorder for that purpose.

Proof of serv-  
ice in open  
court by offi-  
cer effecting  
same.

**499.** The service of any summons or of any other document in cases of prosecutions, as aforesaid, may be proved in open court by the bailiff, constable or peace officer who shall have made such service.

Proof before  
the court.

**500.** In all suits brought before the recorder's court, for the recovery of any sum of money or fine, or the imposition of any penalty, proof may be by legal presumption, by writing, or by testimony. It shall not be necessary to reduce the testimony to writing.

Order in  
court, &c.

**501.** The president of the court shall cause order to be maintained during the sittings of the said court, and he may also cause to be removed therefrom any person not interested in the proceedings, and may punish, by fine or imprisonment, any person guilty of contempt of court.

Delay in civil  
actions be-  
tween service  
and day of  
return.

**502.** In any civil action brought before the said court, including attachments before or after judgment, there shall be an interval of two clear days at least between the service of the writ of summons and the day of its return into court.

If the person so summoned does not appear, default may be entered against him, and upon proof made, the court shall render judgment. Proceedings by default.

If he appears, he must plead to the action within twenty-four hours and his plea shall be entered or filed. Proceedings after appearance.

On the following juridical day or on that fixed by the court, the parties shall proceed to proof and hearing, and judgment shall thereupon be rendered with due diligence. Proof and hearing.

The court may grant a delay of not more than two months to any defendant who is condemned or confesses judgment. Delay upon confession of judgment, &c.

**503.** In all prosecutions instituted before the recorder's court or before the recorder, other than civil actions, the provisions of part LVIII of the Criminal Code, 1892, respecting summary proceedings before magistrates, shall apply to the recorder's court and to the recorder, as regards the mode of procedure on such prosecutions to final conviction or judgment, the execution and carrying out of such conviction or judgment, and generally as to all rules imposed upon magistrates for such object, in so far as they are not inconsistent with the provisions of this act, and where no express provision is made in relation thereto. Provisions applicable in penal cases.

The several forms contained in the said code may be varied in so far as it may be necessary to render them applicable to the said court. Forms.

**504.** The court has power to compel witnesses to appear in any action, prosecution or complaint pending before it, and to answer all legal questions put to them, in accordance with the provisions of the Code of Civil Procedure. Summoning of witnesses.

**505.** The said court has power to impose coercive imprisonment in accordance with articles 834 to 837 of the Code of Civil Procedure. Coercive imprisonment.

**506.** In all cases, the recorder's court may use its discretion in awarding or withholding costs, or in ordering the complainant, the plaintiff or the defendant to pay their own costs or those of the opposite party, and in certain cases may award damages, not exceeding \$25, when such damages shall appear to have been suffered by reason of the matters and things complained of. Discretion of court as to costs and as to damages in certain cases.

**507.** The execution of any judgment rendered in any civil action, as above-mentioned, shall be levied by seizure and sale of the goods and chattels of the defendant. Execution.

No writ of execution shall be issued until the expiration of eight days after the day on which judgment shall have been rendered. When issued.

Seizure and  
sale there-  
under.

**508.** The bailiff, entrusted with the writ of execution, shall proceed to the seizure and sale of such goods and chattels, in the manner prescribed by the Code of Civil Procedure.

*Saisie-arrest.*

**509.** The court may issue writs of *saisie-arrest* before and after judgment, in the same manner as other courts of civil jurisdiction, and shall observe in relation thereto, the rules and procedure prescribed by the Code of Civil Procedure, as regards the issuing of the writ, the return and judgment in matters of *saisie-arrest*.

Deposit on  
*saisie arrêt* in  
hands of the  
city.

**510.** In cases of *saisie-arrest* issued in the hands of the city, it shall be lawful for the city-treasurer to deposit in the office of the court from whence such *saisie-arrest* has issued, the sum of money which he may have in his custody belonging or owing to the defendant, in order that such sum may be paid to whom it may appertain, as the court may order.

Certain alle-  
gation dis-  
pensed with  
in suits.

**511.** In any suit, action or prosecution brought before the recorder's court, it is not necessary to specify or recite the statute or by-law under which such suit, action or prosecution is taken; but it is sufficient to state that it is in virtue of the statute or by-law in that behalf made.

Tariff of fees.

**512.** The recorder may, with the approval of the council, make and settle the tariff of fees in all cases cognizable by and within the jurisdiction of the recorder's court, and change the same, from time to time, subject to the approval of the council.

Liability of  
joint owners,  
&c.

**513.** Any joint partner in, and joint-owner or occupier of any lot, house, building or other immovable in the city, complained of for violation of any by-law of the city, bearing upon such joint partner in, joint owner or occupier of the said lot, house, building or other immovable in any manner whatsoever, by reason of any nuisance committed thereon, or any other offence, may be sued alone, or conjointly with his joint partners, joint owners or joint occupiers, in the recorder's court, as may be deemed advisable, as also any agent of the said firm, joint owner or occupier.

What is suf-  
ficient in suit  
in such case.

In the suit to be instituted, it is sufficient to mention the name of such joint partner, owner, or occupier, or of such agent, with the addition of the words "and others," and the oral testimony of such ownership and occupancy, whether sole or joint, or of such agency, is sufficient.

Whom may sue.

**514.** Saving when otherwise prescribed by this charter, any action for the recovery of any fine or the imposition of any penalty may be instituted, either by the city or by a private person in his own name.

**515.** The recovery of any fine, or of any costs, even subsequent to the conviction or order, or damages imposed by the recorder's court, shall be enforced in accordance with the act or the by-law imposing the same; but if the act or by-law does not specify any mode of procedure in respect thereof, such recovery shall be enforced by imprisonment for a term not exceeding two months, unless the said fine, costs as aforesaid, and damages be paid before the expiration of the term of imprisonment; and the writs shall be issued in the manner above-mentioned.

How recovery of fines is enforced.

**516.** In all cases in which a fine has been incurred by a corporation, association, or society recognized by the law, such fine and costs may be levied by the seizure and sale of the goods and effects of the said corporation, association, or society, in virtue of a writ of execution issued from the said court; and proceedings shall be had upon the said writ in the manner prescribed for seizure and execution in civil matters.

Recovery of fines against corporations, &c.

**517.** All fines sued for and recovered in the recorder's court, under this act or any other act or statute, or by-law, now in force or to be hereafter passed, shall belong to the city and form part of its general fund, notwithstanding any law to the contrary.

To whom fines belong.

**518.** To the council alone appertains the right to remit the whole or part of any fine belonging to the city, or the costs of the suit in connection with the recovery of the said fine.

Remission of fines.

Such remission is made in each case by a simple resolution adopted by the majority of the council, on petition to that effect, presented to the council by the person liable for such fine, and not otherwise.

How made.

**519.** Whenever, in this or any other act, or in any by-law, imprisonment is imposed, such imprisonment is presumed and deemed to be in the common gaol of the district of Montreal.

Where imprisonment, &c., to be.

**520.** In all cases where, in any action or summons in civil or penal matters, there is variance between the allegation and the proof relating to the date, the christian name or surname, the occupation, description, or residence of any party mentioned in such action or summons, or to any other fact alleged in such action or summons, the said court may, at any time before judgment, upon request to that effect made by an interested party, direct the amending of such action or summons, if necessary, and allow the adverse party a sufficient delay to prepare a defence to the action or summons so amended, if the party requires it for the ends of justice.

Variance between proof and allegation suits, &c.

Formal objections not allowed.

Proviso.

**521.** No objection founded upon form or upon the omission of any formality, shall be admitted in any action, suit or proceeding before the recorder's court or before the recorder, unless substantial injustice would be done by rejecting such objection.

Power of recorder in proceedings against persons reputed insane.

Domicile of persons sent to public institutions to be recorded.  
Certificate.

Residence for certain term required to render city responsible for maintenance.

**522.** Whenever a person reputed insane, in the manner set forth in articles 3211 and 3212 of the Revised Statutes of the Province of Quebec, as enacted by the act 57 Victoria, chapter 33, sections 19 and 20, or any provisions that may replace the same, is brought before the recorder, the latter may send him to prison, according to form G of the said Statutes, or any form substituted therefor, or confide him to the care of any person for such period of time as may be necessary to make the enquiries required by article 3212 of the said Statutes, provided that such confinement, which may be renewed, shall not exceed eight consecutive days.

2. In all cases of persons sent to public institutions as aforesaid, the recorder shall ascertain if possible the domicile of such persons, and a special record shall be kept showing the name of the person and his or her domicile, and a certificate stating the name and domicile of such person shall be forwarded to the institution receiving such person. Residence of at least twelve months in the city shall be necessary in order that the cost of the maintenance of such person shall be chargeable to the city by the Province. In default of such residence, the municipality of the domicile of such person shall be responsible to the Provincial Government for the cost of such maintenance.

Power of recorder if person on trial before him is certified to be insane.

**523.** If, at the trial of a person charged before the recorder's court with an offence against the laws or by-laws, it is established by the certificate of a physician according to form C of article 3212 of the Revised Statutes of the Province of Quebec, and the schedule thereto, or any other form replacing the same, that such person is insane, the recorder may order that he be confined in prison or in an asylum, in accordance with form L of the Revised Statutes of the Province of Quebec, or any other form replacing the same, until such time as the pleasure of the Lieutenant-Governor is known.

Power of recorder respecting children brought before him to be sent to industrial school, &c.

Proviso.

**524.** Whenever a child, apparently from six to sixteen years old, is brought before the recorder to be sent to an industrial or reformatory school, the said recorder may confine such child in an industrial or reformatory school, or confide him to the care of a respectable person, for such period of time as may be sufficient to make inquiries about his character and to prepare the commitment papers, provided that such temporary confinement, which may be renewed, shall not exceed eight consecutive days.



**525.** Whenever a child, apparently less than sixteen years old, and having no parent and no one else to take proper care of him, is brought before the recorder, but cannot be sent to an industrial or reformatory school, the recorder may confine such child in any institution, or place him in apprenticeship or in domestic service, or confide him to the care of a respectable person, until he is eighteen years of age.

Power to apprentice certain children, &c.

**526.** The recorder may, upon satisfactory proof that a child, less than sixteen years of age, is without sufficient protection, cause such child to be brought before him and deal with him as aforesaid.

General power of recorder respecting certain children.

In these various cases, articles 3176, 3177, 3178, 3180 and 3181 of the Revised Statutes of the Province of Quebec shall apply to the recorder, in the same manner as to the superintendent of any industrial or reformatory school.

Application of certain articles of Revised Statutes to recorder.

**527.** All the powers and duties vested by law or this charter in the recorder's court or the recorder may and shall be exercised and performed by either recorder.

Concurrent jurisdiction of both recorders.

#### SECTION XXIII

#### MISCELLANEOUS PROVISIONS

**528.** The city-clerk and the city-treasurer may, respectively, affix their signatures to the certificates and to the notices which they are required to give under this charter by stamping such signatures thereon with a stamp to be used exclusively for that purpose after having been approved by the council. The signature, so affixed and stamped, shall be, to all intents and purposes, as valid as if in the handwriting of the clerk or treasurer.

City-clerk and city-treasurer may make use of stamped signatures.

Effect thereof.

**529.** The production of any document or instrument bearing such stamp shall be *prima facie* evidence of the authenticity thereof, and of the authority of the officer to affix the same; and, except the officers above referred to, all persons are prohibited from using the said stamped signatures, under the penalty that may be provided by any by-law in that behalf.

Production of such stamped document to be proof, &c.

Other officers not to use stamp.

**530.** No person, partnership, syndicate, company or corporation whatever, shall have or exercise any franchise, right or privilege in, over, upon or under any street, lane, public place or highway (including Mount Royal Park and St. Helen's Island Park.) for constructing or operating any street or incline railways—whether surface, elevated or

How right to use franchises on streets, &c., to be exercised.

underground—or for the establishment of telephonic, telegraphic, pneumatic or traction systems or for other like purposes, or for poles, wires, bridges, trestles, viaducts, cables, pipes, conduits or such like apparatus, unless by and in virtue of a by-law duly passed by the affirmative vote of the absolute majority of the members of the council, if such franchise, right or privilege be granted for a period not longer than five years, and of two-thirds of the council, if the same be granted for a period longer than five years, whether such franchise, right or privilege be exercised or is sought to be exercised under letters-patent.

Revocation  
and suspen-  
sion of licen-  
ses.

**531.** The council may by by-law suspend or revoke any license granted under any of the provisions of this charter, by reason of misconduct, incompetency or violation of any by-law on the part of the licensee.

Power of  
council to ap-  
point com-  
mittee to hold  
inquiries.

**532.** If questions of fact arise in matters before the council, or any of its committees, which the interests of the city require to be investigated by the examination of witnesses on oath, or otherwise ; and it also become necessary, in the like interest, to institute inquiries into the truth of representations which may be made to the council respecting matters within its jurisdiction ; in any such cases, the committee before which any such question arises, or any committee appointed by the council to investigate the same, or to make such inquiry, may issue a summons signed by its chairman requiring any person to appear before such committee, for the purpose of giving evidence touching such question or inquiry, and, if judged expedient, to produce any papers or documents in his possession, or under his control, bearing upon such question or inquiry, or described in such summons

Persons sum-  
moned must  
appear.

If any person so summoned neglects or refuses to appear at the time and place appointed by such summons, or, if appearing, he refuses to be examined on oath touching the said inquiry, or to obey any order to produce papers or documents mentioned in such summons, in so far as he is able so to do, a return of the issue and service of summons and of such default or refusal may be made to the mayor, who may thereupon compel the attendance of such person, and compel him to answer all lawful questions by the like means as are used for such purposes in the ordinary courts of civil jurisdiction in the Province of Quebec.

Penalty.

Every person so neglecting or refusing to appear, or refusing to produce papers or be examined as aforesaid, shall, on conviction thereof before the recorder's court, be subject to a fine, not exceeding \$40, for each offence, recoverable before the recorder upon complaint of any citizen.

The chairman of any committee of the council is authorized to administer an oath to such witnesses. Oath to witnesses.

**533.** When it is necessary that public notice be given in virtue of any of the provisions of this charter or of any of the statutes concerning the city, without any designation of the particular manner or form in which it is to be given, then such notice shall be given by advertisement in two issues of at least two newspapers published in the English language, and two newspapers published in the French language in the city. Public notices how given.

**534.** When any special notice is required to be given under this charter to any person, such notice may be served either at his residence or at his place of business in the city; if such person has no residence or place of business in the city, such person may signify in writing to the city-clerk his address outside the city; in which case, such notice may be served upon him by mailing the same, registered, to the address so given to the city-clerk. Special notices how served.

Persons who have no residence or place of business in the city, and who have failed to signify their address as aforesaid, shall not be entitled to such notice.

**535.** Any bailiff of the superior court or of the recorder's court may serve and post up any notification required by this charter, and make a valid return thereof under his oath of office. Serving, &c., of notices by bailiff.

**536.** If any person claims or pretends to have suffered bodily injury by any accident or casualty, for which he intends to claim damages or compensation from the city, he shall, within fifteen days from the date of such accident or casualty, give notice to the city through the city-clerk of such intention, containing the particulars of his claim, and stating his own domicile, failing which the city shall be relieved from any liability for any damages or compensation caused by such accident or casualty, notwithstanding any article or provision of law to the contrary; and, in case of any claim for damages to property, moveable or immovable, a similar notice shall also be given to the city through the city-clerk, but such notice must also be so given within eight days, failing which the city shall not be liable for any damages or compensation, notwithstanding any article or provision of law; but in all cases, no action for such damages or indemnity shall lie unless such action has been instituted within six months after the day the accident happened or right of action originated. Persons claiming damages for injuries bound to give notice. Prescription of suits.

No such action shall be instituted before the expiration of fifteen days from the date of the serving of such notice. When action to be instituted.

Default of notice in certain cases no bar to action.

The default of such notice, however, shall not deprive the victims of such accident of their rights of action, if they prove that they were prevented from giving such notice by irresistible force, or for any other reason deemed valid by the court or judge.

Recourse by city in warranty.

The city shall have its recourse in warranty against any person whose fault or negligence occasioned the accident and damages arising therefrom.

Prescription of action of damages against city, &c., for offences, &c.

**537.** All actions, suits or claims against the city, or any of its officers or employees, for damages resulting from offences or quasi-offences, or illegalities, are prescribed by six months from the day on which the cause of action originated, any article or provision of the law to the contrary notwithstanding.

Certain cemeteries may be converted into public squares, &c.

**538.** The city and the trustees of the Mount-Royal cemetery, upon acquiring, at any time hereafter, the grounds of the old Protestant and military cemeteries situated on Papineau road, may convert the same into a public square, and make all necessary arrangements, and determine the conditions upon which the said pieces of ground may become the property of the city.

Power and jurisdiction of city police force over "Exhibition Grounds," &c., during exhibition time.

**539.** The city police force shall have power, authority and jurisdiction, during exhibition time, over that piece of land adjoining the north-west limits of the city, used for the purposes of industrial and agricultural exhibitions, and commonly known as the "Exhibition Grounds," and over all streets, roads and property between the same and the city or adjacent to such exhibition grounds; and may arrest or cause to be arrested any person contravening the law or the provisions of any by-law of the municipalities where such grounds, streets, roads or properties are situated, or any law or statute concerning games or gambling or the sale of intoxicating drinks; and may proceed against such person before the proper tribunal.

Certificate required before special constable &c., may act in city, &c. Register of such constables, &c., to be kept, &c.

**540.** No person shall act as a special constable or detective within the limits of the city, without having first obtained a certificate of good character from the mayor, and being duly sworn as such before the mayor or the recorder.

A register of all such special constables or detectives shall be kept in the police department, and each such constable and detective shall be entitled to receive from the superintendent a certificate establishing that the formalities required by this article have been complied with. Such certificate shall be sufficient evidence of the authority of such special constables or detectives to act as such.

Value of certificate.

Each such constable or detective shall wear a badge to be supplied by the city at his own cost and expense. Badge for such officers.

**541.** The city may recover from any abattoir company situated in or in the vicinity of the city, in order to pay the salary of the health officers appointed by the council to inspect the cattle and other animals killed at any such abattoir, a sum not exceeding \$500 per annum for each abattoir operated by any such company. Abattoir companies to pay certain sum for salaries of health officers, &c.

**542.** The council may, by by-law, allow or prohibit the sale, within the limits of the city, of every animal intended for slaughtering, and may exact a duty on every such animal that shall be brought into the cattle-yard reserved, on behalf of the city, near the said abattoirs, as well as elsewhere within the limits of the city; which duty shall be levied in the same manner as any tax or assessment may be levied under this charter. Sale of animals for slaughter, &c.

**543.** When the council, in its discretion, may deem it expedient to cause privy-vaults or privies in the city to be emptied by contract, it may stipulate in such contract that the owners of such privy-vaults or privies shall be held to pay to the contractor the cost of removing the contents of such privy-vaults or privies, at the price fixed by such contract; provided such price does not exceed seven cents per cubic foot. Privy-vaults when emptied under contract.

Such contractor has the right to recover from the owner of premises the sum due under such contract, before the ordinary tribunals. Rights of contractor.

**544.** The power of the council to assess proprietors to defray the cost of the construction of a sewer in any street of the city may be exercised as to any sewer that may be ordered to be constructed by the council in any proposed street or lane not yet opened to the public, when the council shall consider such sewer necessary in the interest of public health. Powers as to sewers in private lanes.

**545.** The city-treasurer may, in all cases of seizure by garnishment, delegate an employee of his office with necessary instructions to make a declaration in court. Declarations in cases of seizure by garnishment.

**546.** The city shall, in perpetuity, preserve and maintain the whole of Mount Royal Park, according to its present limits, as a public park, and the city council shall not have power to alienate any part or portion of said park for any special rights, privileges, or franchises thereon, nor shall the council permit the laying of any tracks, poles, wires or electrical apparatus, for steam, electric, or traction Mount Royal Park to be kept as a public park, &c.

purposes, by any person or corporation, notwithstanding any special powers of expropriation, or otherwise, granted by any general or special statute to the city of Montreal, or to any person, municipality or corporation whatsoever, save in so far as such special statute may expressly derogate from the provisions of this article.

Privileges of certain railway may be renewed however.

Nevertheless, the city shall have the right to renew the privileges now granted to the Mount Royal Park Incline Railway. The city shall, however, have the right to expropriate it in the manner hereinafter described in similar matters.

Certain uniforms not to be worn. Penalty.

**547.** No person or company shall wear or cause to be worn any costume or uniform similar to that of the city police or the city fire brigade; and every offender shall be liable to a penalty not exceeding \$20 for each offence, and shall also be liable to imprisonment for a period not exceeding three weeks for each offence, upon complaint before the recorder's court.

Damages occasioned by obstructions in streets.

**548.** All persons who shall, by means of any excavations in or obstructions upon any street of the city, not authorized by law or the by-laws of the city, render such streets unsafe for travel, or who shall, by negligence in the management of any such excavation or obstruction as shall be authorized, or by failure to maintain proper guards or lights thereat, render such street insufficient or unsafe for travel, shall be liable for all damages, not caused by the negligence of the party injured, to whomsoever resulting, by reason of such obstruction or negligence, and no action shall be maintained against the city for such damages, unless such person or persons shall be joined as party defendants, if the plaintiff be so required by the city, which shall give the name, residence and quality of such persons.

Execution in the case of judgments in such cases.

**549.** In case of judgments against the defendants in virtue of the preceding article, execution shall at first issue only against the defendant in default and the city shall not be required to take steps to pay such judgment, including costs of execution against the defendant, until such execution shall be returned unsatisfied, or in the case of an opposition to or contestation of the seizure for reasons other than matters of form.

Recourse, if city pays amount of judgment.

If the city shall pay such judgment it shall become subrogated in the rights of the plaintiff therein, and may enforce payment of the same from the other defendant, and shall be entitled to execution therein against him, and to take such other proceedings as judgment creditors are entitled to take.

**550.** When any suit or action shall be commenced against the city, service therein shall be made upon the city-clerk, or at his office or domicile. Service of suits, &c., against city.

**551.** No person shall, by reason of his being an inhabitant of the city, be incompetent as a judge, or juror in any proceeding or action in which the said city shall be a party. Citizens not incompetent as judges, &c., by reason of residence.

**552.** The city shall not be required in taking any appeal or in suing out any writ or process, or in or about the prosecution of any action or proceedings, to enter into any bond or to give any security whatever. City not bound to furnish security in any suit in appeal, &c.

**553.** Notwithstanding any law to the contrary, no judgment rendered against the city for a pecuniary condemnation only shall be executory before the expiration of thirty days after the date of the judgment. Delay in execution of judgments against city.

**554.** Subject to the provisions of this charter, no contract or agreement for the performance of any work or service, or for the supply of goods or materials of any kind, involving the expenditure of \$500 or upwards, at one time or annually, shall be entered into or shall be made by any committee, unless tenders have been called for by public advertisements in the newspapers at least eight days prior to the giving out of such contract. No contract to be awarded for \$500 or upwards, unless after tenders have been called.

**555.** The formalities in connection with such tenders shall be determined by the committee having jurisdiction. Formalities of tenders.

Such tenders shall in all cases be addressed to the city-clerk and shall be publicly opened by him or the assistant city-clerk, in the presence of the interested parties, at the time and place specified in the notice calling for tenders, and not before. To be addressed to city-clerk and publicly opened by him, &c.

No such contract or agreement shall be valid or binding unless ratified by the council upon report thereon from the committee having jurisdiction. Ratification of contracts.

**556.** It shall be the duty of the comptroller to see that no indebtedness incurred during any fiscal year shall be charged to or paid out of the appropriations made for any subsequent fiscal year, unless the council, by an affirmative vote of the majority of its members, shall decide that any such indebtedness may be so charged and paid. Comptroller to see that debts are not paid out of subsequent year's appropriations. Proviso.

**557.** The comptroller shall keep a special book in which shall be entered all communications which be shall transmit to the council, to committees or to heads of departments, and such book may be examined by the members of the council during office hours. Book to be kept by comptroller for communications to council or committees, &c.

Penalty on persons, accepting, &c., money, &c., to assist any one in procuring employment from the city.

**558.** Any person, who, directly or indirectly, by himself or by any other person on his behalf, accepts, or who promises or agrees to accept, or who demands or solicits, from or on behalf of any applicant for a position in the municipal service, any money or valuable consideration in return for his vote, assistance, advice or influence, whether the latter be real or presumed, in order that the aforesaid person may obtain a position in the municipal service, shall, upon summary conviction before the recorder, be liable to a fine of \$40 and imprisonment not exceeding one month, and in the case of such conviction one-half of the fine shall be due and payable to the informer.

Penalty for accepting, &c., money, &c., to assist any employee in securing promotion.

**559.** Any person, who, directly or indirectly, by himself or by any other person on his behalf, accepts or promises or agrees to accept, or who solicits or demands from any civic employee, any money or valuable consideration in return for his vote, assistance, advice or influence, whether the latter be real or presumed, in order that said civic employee may receive promotion, preferment, advance in salary, bonus, extra pay, or any advantage or benefit of a similar character, shall, upon summary conviction before the recorder, be liable to a fine of \$40 and imprisonment not exceeding one month, and in case of conviction one-half of the fine shall be due and payable to the informer.

If offender a member of the council.

Should the person thus adjudged guilty be a member of the council, he shall in addition, *ipso facto*, lose his seat and become disqualified for five years.

If offender a civic employee.

Should the aforesaid person be a civic employee, he shall in addition be immediately discharged upon order of the mayor and become ineligible for re-engagement for ten years.

Penalty against persons seeking employment by city giving money, &c., to influence any one to secure the same.

**560.** Any applicant for a position in the municipal service, who, directly or indirectly, by himself, or by any other person on his behalf, gives, lends, or agrees to give or lend, or offers or promises, any money or valuable consideration in order to induce any person to obtain, or to assist in any manner whatsoever in obtaining for the aforesaid applicant any position in the municipal service, shall, upon summary conviction before the recorder, be liable to a fine of \$40 and imprisonment not exceeding one month, and in the case of such conviction one-half of the fine shall be due and payable to the informer.

Penalty against employee giving money to influence any one to secure his promotion.

**561.** Any employee in the service of the city, whether temporary or permanent, who, directly or indirectly, by himself or by any other person on his behalf, gives, lends, or agrees to give or lend, or offers or promises, any money or valuable consideration in order to induce any person to obtain, or to assist in any manner whatsoever in obtaining



for the aforesaid civic employee any promotion, perferment, advance in salary, bonus, allowance for extra work, or any advantage or benefit of a similar character, shall, upon summary conviction before the recorder, be liable to a fine of \$40, and imprisonment not exceeding one month, and in the case of such conviction one-half of the fine shall be due and payable to the informer.

In addition to the above, he shall be forthwith dismissed by the mayor from the municipal service, and shall be ineligible for re-engagement in any capacity for ten years.

Dismissal of such employee.

**562.** The policemen or constables of the city shall, in the performance of their duties, have all the powers and authority conferred on constables or peace officers by the common law.

General powers of policemen, &c.

The city of Montreal shall appoint special constables, who shall be charged with the duty of seeing to the observance of the clauses of the agreement between it, and the Montreal Street Railway Company, as well as of all the clauses of all the various acts governing the said company. The salary of such constables shall be paid by the city.

Special constables to enforce the carrying out of contract with the Montreal Street Railway Co.

**563.** All prisoners brought to the police stations, charged with the commission of any offence, shall be brought before the proper tribunal without delay to be dealt with according to law.

Persons confined in police stations.

**564.** Notwithstanding any law to the contrary, the city shall not be bound to contribute more than one-half of the cost of the opening and maintenance of a road during the winter on the St. Lawrence river to communicate with the town of Longueuil.

Cost of winter road to Longueuil.

#### SECTION XXIV

#### SPECIAL PROVISIONS

**565.** All acts, inconsistent with the provisions of this charter, are hereby repealed; but the repeal of such acts shall not be understood as affecting any matter or thing done, or required to be done, resolutions, decisions, orders or other proceedings of the council, debentures, notes, shares, or obligations issued, or by-laws made under and by virtue of such acts, or rolls of assessment or apportionment, or the rights and duties of civic officers or of the recorder in office, who shall continue to discharge the duties of their offices until they have been replaced according to the provisions of this charter; but such matters or things, debentures, notes, obligations, by-laws, rolls of assessment or apportion-

Repealing clause and effect thereof.

ment, and the sinking fund to be provided, shall continue to be regulated by such acts, until they shall be changed, altered, replaced or repealed by any proceedings adopted in virtue of this charter, in which case all such matters and things, resolutions, decisions, orders or proceedings, debentures, notes, obligations and by-laws and rolls of assessment or apportionment, shall be regulated and controlled by this charter.

Under whose supervision and how posts, &c., are to be placed in the city streets.

**566.** No person, company or corporation, exercising any franchise and having acquired rights, shall carry on any work in the streets in the city of Montreal, or place rails, wires, poles and conduits therein, without giving notice thereof to the city, and unless such works be carried on under the direction, in the manner and at the places indicated by the city-surveyor; and the city shall always have the right to oblige such persons or companies to place their wires underground, and the by-law shall be applied simultaneously to all companies.

Certain contract rights not affected, &c.

**567.** Nothing in this act contained shall be construed as allowing the city to violate any of its obligations undertaken by contract or as affecting or repealing any powers specially granted by statute to corporations or companies.

Coming into force.

**568.** This act shall come into force on the day of its sanction.

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## SCHEDULE A

Debt of the city, including provisions for pending liabilities  
to 1st January, 1899.

### FUNDED DEBT.

Date of Issue.	Term.	Rate of Interest.	Date of Maturity.	Object.	Amount
1868	Permanent.	7 p.c.	.....	Water-Works.....	\$587,600
1876-9	25 years.	7 p.c.	1901-4	Annexations.....	50,000
1875-6	25 "	6 p.c.	1900-2	Consolidation.....	432,400
1873-9	30 "	5 p.c.	1903-9	Water-Works.....	2,729,534
1881-96	40 "	4 p.c.	1921-32	General.....	11,936,867
1893	40 "	3½ p.c.	1933	Harbour.....	1,000,000
1888-90	Permanent.	3 p.c.	.....	General.....	7,008,000
Total of outstanding funded debt.....					\$23,744,401

### OTHER OBLIGATIONS.

Temporary bonds authorized by 60 and 61 Victoria.....	\$1,146,558
Bank of Montreal, advances .....	888,826
Bank of Montreal: Special advances to pay off over-expenditure of 1897-98.....	223,174
Harbour: Balance of \$1,000,000 .....	652,406
Military School .....	25,000
Floating debt and engagements.....	\$ 815,015

LESS :

Cash on hand belonging to loan account to meet  
part of said engagements.....

412,904

402,111

Unexpended balance of the revenue of 1897 to be  
applied also to meet a portion of these engage-  
ments.....

82,476

319,635

\$27,000,000

## F O R M S

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### No. 1.

*Form mentioned in article 35.*

#### OATH OF MAYOR OR ALDERMAN.

I. A. B., having been elected mayor, (or alderman, as the case may be), of the city of Montreal, do swear (or affirm) that I will faithful and true allegiance bear to Her Majesty Queen Victoria, (or the reigning sovereign for the time being), Her Heirs and Successors, according to law; and I further swear that I will faithfully perform and fulfil, according to the best of my judgment and ability, the duties of the office to which I have been elected. So help me God.

### No 2.

*Form mentioned in article 62.*

#### NOTICE TO ELECTORS OF COMPLETION OF ELECTORS' LISTS.

Public notice is hereby given that the electors' lists for the several wards of the city of Montreal have been delivered to the undersigned, and that, within fifteen days from the date hereof, any elector in any ward may give notice in writing to the undersigned, that he will apply to the recorder of the city to have the list of electors for any ward amended, either by the addition thereto of names of persons omitted, or by striking therefrom the names of persons improperly inserted. Such notice must specify the qualifications of the persons whose names are sought to be added, and the causes of disqualification of those sought to be struck off, and must be served, at the diligence of the applicant, on or before the 5th day of January 19—, upon every person whose name is sought to be struck from the electors' lists, by registered letter, sent to the address mentioned on said list. And public notice is hereby given that the recorder of the city of Montreal will sit (*mention the day, date, hour, and place*), for the purpose of considering such applications or complaints, in respect of said electors' lists, as may be made, according to law.

By order.

.....

*City-Clerk.*

City-Clerk's Office.  
City Hall.  
Montreal,

**No. 3.***Form mentioned in article 74.*

## CERTIFICATE OF REVISION OF ELECTORS' LISTS.

I, the undersigned recorder of the city of Montreal, do hereby certify that the above list of municipal electors for the polling district number \_\_\_\_\_ in the ward of the city of Montreal, for the current year, has been revised by me according to law,

.....

*Recorder.*

.....

*City-Clerk.*

Montreal, 18

\_\_\_\_\_

**No. 4.***Form mentioned in article 81.*

## COMMISSION OF AN ELECTION-CLERK.

To E. F., (*set forth occupation and residence.*)

Know you that, in my capacity of returning officer, I have appointed and do hereby appoint you to be my election-clerk, to act in that capacity according to law, at the approaching elections, to be held in the city of Montreal under the provisions of the charter of the said city.

Given under my hand, at \_\_\_\_\_, this day of the month of \_\_\_\_\_, in the year.

(Signature)

A. B.,

*Returning Officer.*

\_\_\_\_\_

**No. 5.***Form mentioned in article 82.*

## OATH OF THE ELECTION-CLERK.

I, the undersigned, E. F., appointed election-clerk for the approaching elections to be held in the city of Montreal under the provisions of the charter of the said city, do solemnly swear (or affirm) that I will act faithfully in my said capacity as election-clerk and also as returning officer if required to act as such, the whole according to law and without partiality, fear, favor, or affection : So help me God.

(Signature)

E. F.,

*Election-clerk.***No. 6.***Form mentioned in article 82.*

CERTIFICATE OF THE ELECTION-CLERK HAVING TAKEN THE OATH  
OF OFFICE.

I, the undersigned, hereby certify that, on the day of the month of , 18 , E. F., election-clerk for the approaching elections to be held in the city of Montreal under the provisions of the charter of the said city, did take and subscribe before me the oath of office required by the charter of the city of Montreal.

In testimony whereof, I have delivered to him this certificate under my hand.

(Signature)

C. D.,

*Justice of the Peace,*

or

A. B.,

*Returning Officer.*

No. 7.

Form mentioned in article 86.

NOMINATION-PAPER.

CITY OF MONTREAL.

.....Ward.

Seat No.....

We, the undersigned, electors of                      ward, in the city of Montreal, do hereby nominate                      No.                      street, as a candidate at the election for the office of alderman seat No.                      for the said ward now about to be held for the                      ward of the city of Montreal.

In witness whereof, we have signed at Montreal, this day of                      18                      .

Names.	Occupation.	Qualification. (Giving the electoral franchise.)	Address.

Signed by the said electors in presence of                      .

I, the said                      nominated in the foregoing nomination-paper, hereby consent to such nomination.

Witness my hand at, Montreal, this                      day of                      18                      .

Signed by the said.....in presence of                      .  
(Signature)

.....

I, the undersigned,                      candidate at the present election, do solemnly declare that I can read fluently and write legibly, and I make this solemn declaration conscientiously believing the same to be true and knowing that it is of the same force and effect as if made under oath, and by virtue of the Canada Evidence Act, 1893.

Declared before me                      }                      (Signature)  
at                      this                      }  
day of                      }                      .....

**No. 8.**

*Form mentioned in article 94*

**OATH OF ATTESTATION OF THE NOMINATION-PAPER AND OF  
THE CONSENT OF THE CANDIDATE.**

I \_\_\_\_\_ of the city of Montreal, solemnly swear (or affirm) that I know .....  
.....  
and that they are inscribed on the electors' list in force for \_\_\_\_\_ ward, in the city of Montreal, under the provisions of the charter of said city, and that they respectively signed the foregoing nomination-paper with their signatures in my presence, and further that I know the said.....thereby nominated and that he signed his consent to this nomination in my presence.

(Signature)

Sworn (or affirmed) before me, at }  
Montreal, this ....., ..... } .....  
day of ....., ..... }

**No. 7a.**

NOMINATION-PAPER FOR THE ELECTION OF MAYOR.

We, the undersigned, duly qualified to vote at municipal elections, in the city of Montreal, do hereby nominate .....No .....street, as a candidate at the election of mayor of the said city now about to be held in the said city of Montreal.

In witness whereof, we have signed at Montreal, this  
.....day of.....18.....

Names.	Occupation.	Qualification. <i>Giving the electoral franchise.</i>	Address.

Signed by the said electors in presence of.....







No. 12.

Form mentioned in article 114.

BALLOT-PAPER.

1	LEBLANC (JEAN-BAPTISTE LEBLANC, of the city of Montreal, merchant.)	X
2	O'FLAHERTY (PATRICK O'FLAHERTY, of the city of Montreal, manufacturer.)	
3	YOUNG (JOSEPH YOUNG, of the city of Montreal, advocate.)	

Election of an alderman for...

..... ward

or

Election of a mayor for the

city of Montreal (as the case  
may be.)

ANNEX.

No.

The Initials of the Deputy Returning Officer should be placed here.

*Ici doivent être mises les initiales du sous-officier-rapporteur.*

\*\*\*\*\*

**No. 13.***Form mentioned in article 121.*

## COMMISSION OF A POLL-CLERK.

*(To I. J., (insert his occupation and residence).)*

Know you that, in my capacity of deputy returning officer for the polling district No.....ward in the city of Montreal, I have appointed and hereby appoint you to be poll-clerk, for the said polling district No..... in said ward.

Given under my hand, at \_\_\_\_\_, this  
day of the month of \_\_\_\_\_  
in the year \_\_\_\_\_

(Signature)

G. H.,

*Deputy Returning Officer.***No. 14.***Form mentioned in article 121.*

## OATH OF A POLL-CLERK.

I, the undersigned, I. J., appointed poll-clerk for the polling district No.....ward, in the city of Montreal, do solemnly swear (or affirm) that I will act in my said capacity of poll-clerk, and also in that of deputy returning officer, if required to act as such, according to law, faithfully and without partiality, fear, favor, or affection : So help me God.

(Signature)

I. J.,

*Poll-clerk,*

**No. 15.***Form mentioned in article 121.***CERTIFICATE OF THE POLL-CLERK HAVING TAKEN THE OATH.**

I, the undersigned, hereby certify, that, on the  
 day of the month of \_\_\_\_\_, 18\_\_\_\_, I. J., poll-clerk for  
 the polling district No.....ward of the city of Montreal,  
 took and subscribed before me the oath of office required of  
 a poll-clerk.

In testimony whereof, I have delivered to him this cer-  
 tificate under my hand.

(Signature)

C. D.

*Justice of the peace.*

or,

A. B.

*Returning Officer*

or,

G. H.

*Deputy Returning Officer.***No. 16.***Form mentioned in article 123.***COMMISSION OF A POLL-CLERK, BY POLL-CLERK ACTING AS  
DEPUTY RETURNING OFFICER.**

To \_\_\_\_\_, of (*insert his residence and occupation*).

Know you that, in my capacity of acting deputy return-  
 ing officer, for the polling district No.....ward, in the  
 city of Montreal, in consequence of the decease (*or incapac-*  
*ity to act, as the case may be*) of the deputy returning officer  
 for the said polling district whose poll-clerk I was, I have  
 appointed and do hereby appoint you to be poll-clerk  
 for the polling district No. \_\_\_\_\_, in the said ward.

Given under my hand at \_\_\_\_\_ this \_\_\_\_\_ day of  
 the month of \_\_\_\_\_ in the year 18 \_\_\_\_.

(Signature)

I. J.

*Poll-Clerk*

acting as

*Deputy Returning Officer.*

## No. 17.

*Form mentioned in article 127.*

OATH OF AGENT OF A CANDIDATE, OR OF ELECTOR REPRESENTING A CANDIDATE.

I, the undersigned, G. H., agent for (or elector representing, *as the case may be*), J. K., one of the candidates at the election now pending for an alderman for ward in the city of Montreal (or for mayor of the city of Montreal), solemnly swear, (or affirm) that I will keep secret the names of the candidates for whom any of the voters, at the poll in the voting subdivision No. .... of ward, in the city of Montreal, may have marked his ballot-paper in my presence, at this election : So help me God.

(Signature)

G. H.

Sworn (or affirmed) before me, at , this day of , 18 .

(Signature)

A. B.

*Deputy Returning Officer.*

or

C. P.

*Justice of the Peace.*

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## No. 19.

*Form mentioned in article 155.*

OATH OF AGENT OF A CANDIDATE, OR OF ELECTOR REPRESENTING A CANDIDATE WHO ALONE ACTS IN ASSISTING AT THE MARKING OF A BALLOT-PAPER.

I, the undersigned, G. H., agent, by special authorization, for (or elector representing, *as the case may be*,) J. K., one of the candidates at the election now pending for alderman for seat No..... of ..... ward, in the city of Montreal (or for mayor, *as the case may be*), solemnly swear (or affirm) that I will keep and assist in keeping and maintaining secret the names of the candidates for whom any of the voters at the poll in the voting subdivision No..... of ..... ward, in the city of Montreal, has marked his ballot-paper in my presence, at this election, and that I shall not communicate at any time to any person any information obtained in the interior of this poll as to the name of the candidate for whom an elector intends to vote or has voted: So help me God.

(Signature)

G. H.

Sworn (or affirmed) before me, at this  
day of , 18 .

(Signature)

A. B.

*Deputy Returning Officer.*

or

C. P.,

*Justice of the Peace*

## No. 20.

*Form mentioned in article 172.*OATH OF THE DEPUTY RETURNING-OFFICER AFTER THE  
CLOSING OF THE POLL.

I, the undersigned, deputy returning officer for the voting subdivision No....., in the..... ward of the city of Montreal, do solemnly swear (*or affirm*) that, to the best of my knowledge and belief, the poll-book kept for such voting subdivision, under my direction, has been so kept correctly ; and that the total number of votes polled, and recorded in the book is ..... ; and that, to the best of my knowledge and belief, it contains a true and exact record of the votes given at the poll in this voting subdivision, as the said votes were taken thereat ; that I have faithfully counted the votes given for each candidate, in the manner by law provided, and performed all duties required of me by law, and that the report, packet of ballot-papers, and other documents required by law to be returned by me to the returning officer, have been faithfully and truly prepared and placed within the ballot-box, as this oath will also be, to the end that the said ballot-box, being first carefully sealed with my seal, be transmitted to the returning officer, according to law.

(Signature)

G. H.

*Deputy Returning Officer.*

Sworn (*or affirmed*) before me, at, this  
day of , 18 .

(Signature)

X. Y.,

*Justice of the peace.**or* A. B.,*Returning Officer.**or* I. J.,*Poll-clerk.*

**No. 21.***Form mentioned in article 172.***OATH OF THE POLL-CLERK AFTER THE CLOSING OF THE POLL.**

I, the undersigned, poll-clerk for the voting subdivision No.            of            ward, in the city of Montreal, do solemnly swear (*or affirm*) that the poll-book in and for this voting subdivision, kept under the direction of G. H., who has acted as deputy returning officer therein, has been so kept by me correctly and to the best of my skill and judgment; and that the total number of votes polled in this book, is            ; and to the best of my knowledge and belief, it contains a true and exact record of the votes given at the poll in this voting subdivision, as the votes were taken at this poll by the deputy returning officer.

(Signature)

I. J.,  
*Poll-clerk.*

Sworn (*or affirmed*) and signed before me, at  
this            day of the month of            , in the year  
18            .

(Signature)

X. Y.,  
*Justice of the Peace.*

or

A. B.,  
*Returning Officer.*

or

G. H.,  
*Deputy Returning Officer.*

**No. 22.***Form mentioned in article 267.*

CANADA,  
PROVINCE OF QUEBEC. }  
DISTRICT OF

COURT.

*plaintiff,**vs.**defendant.*

I, M. N., plaintiff in this cause, being duly sworn, declare that, in the present cause, I am not acting in collusion with the defendant, and that I do not prosecute for the purpose of preventing such action or prosecution being instituted by any other person, or for the purpose of delay-

ing or causing such action to miscarry, or for the purpose of saving such defendant from the payment of the whole or any part of such penalty, or of procuring for him any advantage, but that I institute such prosecution or action in good faith, conscientiously believing the same to be well founded, and for the purpose of exacting and recovering the payment of such penalty with all practicable celerity.

(Signature)

M. N.

Sworn (or affirmed) before me, )  
at this day of } .....  
the month of , 18 . }

(Signature)

P. S.,

*Justice of the Peace.*

No. 23

Form mentioned in article 316

FORM OF BALLOT PAPER.

<p>MONTREAL,.....18</p> <p>Voting on by-law to (<i>here insert</i> <i>object of the by-law</i>) approved by the council of the city of Montreal on the            day            18</p>	<p>FOR  X  THE BY-LAW.</p> <p>AGAINST  THE BY-LAW.</p>
---	--

ANNEX.

No.

\*\*\*\*\*  
\*\*\*\*\*

The Initials of the Deputy Returning Officer should be placed here.

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*Ici doivent être mises les initiales du sous-officier-rapporteur.*

## No. 24.

*Form mentioned in article 320.*

I, the undersigned, A. B., solemnly declare that I am desirous of promoting (or opposing as the case may be) the passing of the by-law to (here insert object of the by-law) now submitted for the approval of the real estate owners of this city.

Made and declared before me, at Montreal, this  
day of 18 .

A. B.

L. O. D.

*City-clerk.*

Or A. C. (as the case may be)

*Deputy Returning Officer.*

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No. 25.

*Form mentioned in article 386.*

## NOTICE TO RATE-PAYERS.

Public notice is hereby given, that the valuation and assessment roll of the city of Montreal, for the

ward of the said city, (or tax roll, as the case may be, or any special roll of assessment, specifying the purposes for which such roll or rolls are made) is completed, and is now deposited in the office of the undersigned, in the city-hall.

All persons, whose names appear therein as liable for the payment of any tax or assessment, are hereby required to pay the amount thereof to the undersigned, at his said office, within ten days from this day, without further notice.

(Signature.)

City Hall,

Montreal, (date.)

*City-treasurer.*

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## No. 28

*Form mentioned in article 387.*

## NOTICE FOR THE COLLECTION OF TAXES, &amp;c.

CORPORATION OF MONTREAL

Mr

COPY OF ACCOUNT.

Notice Served, \$

DATE  
(Date of Notice.)

Costs \$

Notice,

CORPORATION OF MONTREAL

Mr.

*To the City of Montreal.*

Dr.

To taxes or assessments,

*(Here state Account.)*

\$

SIR,

Take notice that, having failed to pay the above-mentioned sum within the time prescribed by public notice, you are hereby required, within fifteen days from the date hereof, to pay the same to me, at my office, together with the costs of this notice and service thereof, as below; in default whereof, execution will issue against your goods and chattels.

CITY HALL,

Montreal. *(date.)*

Costs \$

Notice.

*(Signature,)**City-Treasurer.*



No. 27.

Form mentioned in article 387.

WARRANT OF SEIZURE.

Province of Quebec, )  
City of Montreal. ) IN THE RECORDER'S COURT OF THE  
CITY OF MONTREAL.

VICTORIA, By the grace of God, of the United Kingdom of  
Great Britain and Ireland, Queen, Defender of the Faith,  
&c., &c., &c.

Debt.....	\$		
Interest .....			
Costs.....			
Warrant.....			
	\$		

To any bailiff of the  
Recorder's Court of the  
city of Montreal.

WHEREAS, A. B (*name and designation of debtor*) hath been required by the city-treasurer, to pay into his hands, for and on behalf of the city, the sum of \_\_\_\_\_, being the amount due by him to the city, as appears by the valuation and assessment roll, for the year 18\_\_\_\_; (*or tax roll or special assessment roll, as the case may be*) and whereas the said A. B. hath neglected and refused to pay unto the said treasurer, within the period prescribed by law, the said sum of \_\_\_\_\_; these are therefore to command you forthwith to make distress of the goods and chattels of the said A. B. ; and if, within the space of eight days after the making of such distress, the said mentioned sum, together with the reasonable charges of taking and keeping the said distress, shall not be paid, that then you do, on such day as shall be indicated to you by the city-treasurer, sell the goods and chattels so by you detained, and do pay the money arising from such sale unto the city-treasurer, that he may apply the same as by law directed, and may render the overplus, if any, on demand, to the said A. B. or others whom it may concern ; and, if no such distress can be found, then that you certify the same unto me, to the end that such proceedings may be had therein as to the law doth appertain.

Given under the hand of the clerk )  
of the Recorder's Court. at Montreal, ) X. Y.,  
this \_\_\_\_\_ day of \_\_\_\_\_ in the year \_\_\_\_\_ ) Clerk of the  
Recorder's Court.

## No. 28.

*Form mentioned in article 389.*

## NOTICE OF SALE OF GOODS AND CHATTELS.

Public notice is hereby given, that on \_\_\_\_\_ next, the goods and chattels of the persons hereinafter named and designated, now under seizure for non-payment of assessments (*or other dues or taxes as the case may be,*) will be sold by public auction, at the hours and places hereinafter mentioned, to wit:

NAMES.	AMOUNT.	PLACE OF SALE NO. STREET.	HOURL OF SALE

(Signature.)

City Hall,  
Montreal, (*date*)

*City-treasurer.*

No. 39.

Form mentioned in article 399.

NOTICE OF SALE OF IMMOVEABLES.

PUBLIC NOTICE is hereby given that the immoveable properties hereinafter mentioned, and more particularly described in a Schedule filed in my office, on the 18 day of 18 , will be sold by me, at my office, in the city of Montreal, on the 18 day of 18 , at ten o'clock in the forenoon, upon a claim by the city of Montreal for taxes and assessments due as detailed in such Schedule.

Schedule No.	Wards.	Cadastral number.	Street.	Assessed or taxed Persons.	Amount claimed.	Nature of claims.

SHERIFF'S OFFICE,  
Montreal,

18

(Signature.)

Sheriff.  
18

## CAP. LIX.

## An Act respecting the city of Montreal and The Grand Trunk Railway Company of Canada.

[Assented to 25th February 1899].

## Preamble.

**W**HEREAS the city of Montreal and The Grand Trunk Railway Company of Canada have, by their joint petition, represented, that they have entered into an agreement bearing date the 13th day of August, 1898, and passed before Me Victor Morin, Notary, of the said city, with respect to the removal of the general offices of the said company, from the present site thereof, in the said city, to a new location, in a more central position, on lands described in the said agreement, fronting on McGill street in the said city; and for the conveyance, by way of donation, by the said city to the said company, of the said lands, and for the fixing, for all purposes of taxation, of the assessment or valuation of the said lands, with the buildings to be erected thereon, at the sum and for the period mentioned in the said agreement, and for other the purposes therein set forth; and have prayed for the passing of an act to confirm the said agreement and make it legal and valid, and to authorize the carrying out of the terms and conditions therein set forth; and it is expedient to grant the prayer of such petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

Certain agree-  
ment ratified  
and confirm-  
ed.

**1.** The said agreement, bearing date the 13th day of August, 1898, and set out in full in and as Schedule A of this act, is hereby confirmed and made legal and valid; and, notwithstanding any prior dedication to or for any other use or purpose of the lands therein described, it shall be lawful for the said city, and it is hereby authorized and empowered to execute and deliver a proper deed of donation of the said lands, as described in the said agreement to the said company, as contemplated by, and on the terms and conditions set forth in the said agreement, subject however to concurrence therein by the Lieutenant-Governor of the said Province, in Council; and, for all purposes of taxation, to fix the assessment or valuation of the said lands, together with the buildings to be erected thereon, at the sum of two hundred and fifty thousand dollars, and no more, for a period of twenty years mentioned in the said agreement.

Coming into  
force.

**2.** This act shall come into force on the day of its sanction.

## SCHEDULE A.

On this thirteenth day of the month of August, in the year of Our Lord eighteen hundred and ninety-eight.

Before Me VICTOR MORIN, the undersigned notary public for the Province of Quebec, in Canada, residing and practising in the city of Montreal, in the said Province.

## CAME AND APPEARED :

"THE CITY OF MONTREAL," hereinafter called "the city," a body politic and corporate, having its principal business at the City Hall, in the East ward of the said city, hereto represented and acting by His Worship the Mayor of the said city, Raymond Prefontaine, Esquire, advocate and member of the Parliament of Canada, residing in the said city of Montreal,

*Parties hereto of the first part ;*

And "THE GRAND TRUNK RAILWAY COMPANY OF CANADA," hereinafter called "the company," a body politic and corporate, having its chief place of business in London, England, and its principal place of business for America in the said city of Montreal, hereto represented and acting by Charles M. Hays, Esq., residing in the said city of Montreal, the general manager of the said company, and in such quality being fully authorized for the purposes hereof by the by-laws of the said company.

*Parties hereto of the second part.*

Which parties hereto have declared to the undersigned notary that they have covenanted and agreed as follows, anent the removal of the general offices of the said company from the place where the same are now situate on St. Etienne street, at Point St. Charles, in the said city of Montreal, to a more central position in the city of Montreal, pursuant to the wishes frequently expressed, by the commercial bodies of the said city of Montreal to wit :

*Firstly.*—The city of Montreal aforesaid shall convey, by way of gratuitous donation, to the Grand Trunk Railway Company of Canada aforesaid, that property situate on the south-west side of McGill street, in the said city of Montreal, between St. Paul and William streets, containing one hundred and ninety-nine feet four inches, on McGill street, that is to say the distance between said St. Paul and William streets, by a depth of one hundred and thirty-five feet in both lines of said St. Paul and William streets, the position

and form and the boundaries of the said property being shown on the plan hereto annexed marked "A," signed by the parties hereto and the undersigned notary *ne varietur*, said property being known as forming part of the lot of land bearing the number seventeen hundred and fifty-three (1753) of the official plan and book of reference of the St. Ann's ward of the said city of Montreal, and being part of the property gifted to the said city by the Crown according to letters-patent dated the twenty-sixth day of January, eighteen hundred and thirty-three, for the purpose of the establishment of a new market in the said city.

*Secondly.*—Upon the property so granted by the said city, the company will build the necessary buildings for the purpose of their said general offices, such construction to be commenced not later than thirty days after possession of the property has been obtained, and to be carried on with all reasonable despatch, and on the completion of the said new buildings, the said company will remove their said general offices to said new buildings, and will maintain the same at that place for a period of at least twenty years, to be reckoned from the first day of May next (1899.)

*Thirdly.*—The buildings so to be erected on the said site shall cost not less than two hundred and fifty thousand dollars.

*Fourthly.*—The plans and estimates for the said proposed new buildings shall be submitted to and approved of by the council of the said city previous to the commencement of the works.

*Fifthly.*—During the said period of twenty years, the said land and buildings thereon, as completed, shall only be assessed, for all the purpose of taxation, at the sum of two hundred and fifty thousand dollars and no more, and the rate upon the dollar made on such assessment shall be the same as that made on the property generally in the city.

*Sixthly.*—Both parties hereto will join in an application to the Legislature of the Province of Quebec at its next session and will use all reasonable means to have an act passed confirming and making valid the said gift of property for the purpose above-mentioned, and also the said assessment for the period above stated and generally the present agreement and the transactions contemplated in and covered thereby, and will also secure the concurrence of the Crown to waive the rights and privileges reserved to it by the original deed of land above-mentioned and to consent to a diversion of the property from the objects to which it was dedicated.

And in conjunction with the covenants recited in the above articles, the following conditions and stipulations have been made :

1. In making donation of the above property, the city of Montreal aforesaid do not undertake to guarantee the clear title of the same, but shall only cede the rights which they may have in the said property under the title above mentioned with guarantee against mortgages or incumbrances, and will do all in their power, jointly with the said company, to secure from the Provincial Legislature and from the Crown a clear and perfect title of the said property and the waiver of all restrictions and privileges mentioned in the said title.

2. As to the period of time during which the said company must maintain their general offices at the said proposed place, it is imperative and will have to be maintained on the said site at least during the whole term of twenty years ; even in case of destruction of the said proposed new buildings, then they must be reconstructed by the said company so as to maintain the said offices at that place during the whole period, unless otherwise agreed to on the part of the said city later on.

3. Should the said company abandon the property thus to be donated before the expiry of twenty years above mentioned, or sell or alienate the same during the said period, then the property so donated shall *ipso facto* revert to the said city, the city having the option of purchasing the buildings and improvements erected on said property at a valuation, or to oblige the company to remove the same. If, after the expiry of the period of twenty years, the company thinks proper or desirable to remove their offices to some other parts within the limits of the city of Montreal, they will be entitled to dispose of the property thus to be donated and of the buildings thereon erected as being the owners and proprietors of the same, the title which they may give to the purchasers will be good and valid, it being well understood and upon the condition that the new offices to be so erected in other parts of the city of Montreal shall cost at least two hundred and fifty thousand dollars.

4. The city hereby declares that the property so intended to be granted is presently occupied by several tenants whom the city undertakes to remove as soon as possible, and with all due diligence ; but it is stipulated that if there is any unforeseen delay in such removal and that possession of the property cannot be given to the company on or before the first day of September next, the said company shall not be obliged to accept possession of the same after the said first day of September next, but the company will be entitled to no damages.

5. Previous to the final settlement of all the questions above-mentioned, including the ratification by the Legislature and the Crown, the company may take possession of the said property after the tenants have been removed, at its own risks and perils, for the purposes above-mentioned, but without any responsibility on the part of the said city, the company agreeing to claim no damages for any works, improvements and constructions erected by the said company on the said property in case the present agreement could not be carried out for any reason not imputable to the city, and in such a case the company shall be entitled to remove the improvements and materials put on the said property unless the city prefers to keep them at a valuation. It is well understood however that the donation of the said property by the city shall include the buildings presently thereon, and consequently the said company will have to demolish the same and use the materials thereof as it sees fit.

6. As regards the construction and contracting work in connection with the said buildings, the company shall give the preference, all things being equal, to Montreal contractors; and the workmen to be employed by the company or its contractors or subcontractors shall be residents of Montreal or of the surrounding municipalities, or regular employees of the company.

7. The cost and expenditure of the proposed legislation and ratification of the present agreement and concurrence of the Crown which the parties will seek to obtain, shall be borne by the city and the company jointly, but the said company alone shall pay the costs of these presents and of the accessories thereof and of a copy for the said city.

8. The final deed of donation upon the conditions above-mentioned of the said property by the city to the company will be executed when all the preliminary provisions of the present agreement are carried out and after the final completion of the buildings to be erected by the said company as aforesaid.

These presents were entered into on the part of the city of Montreal aforesaid pursuant to several interviews and propositions between the said city and the Grand Trunk Railway Company in the premises, as appears by the report of the special committee to that effect, one dated the seventh day of January last, another dated the fourth day of April last, submitted to the council of the said city on the twelfth day of the same month, another dated the eighteenth day of May last, concurred in by a report of the finance committee of the said city dated the twenty-sixth day of May last, amended and adopted by the council of the said city at its meeting of the sixth day of June last, and a resolution from the finance committee of the said city dated the twenty-eighth day of



June last, a draft of agreement having been prepared by the undersigned notary accordingly was submitted to the parties hereto for discussion, and after discussion and remarks thereon, a report was made by the Finance Committee of the said city, dated the twenty-sixth day of July last, and amended and finally adopted by the council of the said city on the twenty-seventh day of July last, copies of which resolutions, reports and other documents shall remain hereunto annexed after having been signed by the undersigned notary *ne varietur*.

THUS DONE AND PASSED at the said city of Montreal, on the day, month and year hereinabove firstly written, under the number three thousand nine hundred and forty-nine of the repertory of Me. Victor Morin, the undersigned notary.

And after due reading, the said parties, represented and acting as aforesaid, have signed these presents, and in the absence of the City-Clerk, the Assistant City-Clerk, to wit: Alphonse Gosselin, Esq., residing in the said city, has countersigned the same and has affixed thereto the seal of the Corporation of the said city, the whole in the presence of the said notary who has also signed.

(Signed) " R. PREFONTAINE,  
Mayor."

[L. S.] " A. GOSSELIN,  
Asst. City Clerk."

" CHAS. M. HAYS,  
General Manager."

" VICTOR MORIN,  
N. P."

True copy of the original hereof remaining of record in the office of the undersigned notary.

(Signed) " VICTOR MORIN,"  
N. P.

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## CAP. LX.

An Act to amend the act incorporating the city of Sorel.

[Assented to 10th March, 1899.]

Preamble.

**W**HEREAS the city of Sorel has, by petition, prayed for amendments to its charter, 52 Victoria, chapter 80, and to the act 55-56 Victoria, chapter 52, amending the same; and whereas it is expedient to grant its prayer; Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

52 V., c. 80,  
art. 621 re-  
placed.   
Penalty for  
infringement  
of by-laws.

**1.** Article 621 of the act 52 Victoria, chapter 80, is replaced by the following ;

**" 621.** Whosoever offends against any by-law having force and effect in the said city is, for each offence, liable to the fine and imprisonment specified in such by-law conformably with the provisions of article 602 of the said act, limiting the punishment for such offences; but the court trying the offence, may, at its discretion, impose both penalties together against the offender, provided the by-law decrees such punishment, for a repeated offence or otherwise, and the levying of the fine with costs of suit, by distress and sale of the goods and chattels of the offender, may be ordered by the conviction, or omitted therefrom without mention thereof, as the court may deem expedient."

Id., 594, re-  
enacted.

**2.** Article 594 of the said act, repealed by the act 55-56 Victoria, chapter 52, section 12, is enacted as follows :

Calling in and  
redemption of  
debenture  
debt, &c.

**" 594.** It shall be lawful for the council of the said city to recall and convert any debenture or debt with the consent of the debenture holders and of the creditors; and every new issue of bonds may consist of bonds payable at a stated term, or of bonds payable by drawing lots, or finally of any species of bonds used in financial transactions."

Id., 545, re-  
placed.

**3.** Article 545 of the act 52 Victoria, chapter 80, as replaced by the act 55-56 Victoria, chapter 52, section 7, is again replaced by the following :

Levying  
amount due  
for assess-  
ments, &c.,  
by distress  
warrant.

**" 545.** If any person shall neglect to pay the assessments, taxes or other municipal dues imposed upon him for the space of fifteen days after the above-mentioned special notice, the secretary-treasurer shall levy the amount thereof under a warrant signed by the mayor, the pro-mayor, the recorder or two aldermen, authorizing the seizure and sale of the moveables and effects of the person bound to pay the

same or of any moveables and effects in his possession, wherever such moveables and effects shall be found within the limits of the city.

The warrant shall be addressed to a bailiff of the superior court of the Province of Quebec for the district of Richelieu, or to any police constable of the said city, who is hereby authorized to seize and sell the said moveables and effects in the customary manner.

Address of  
warrant and  
proceedings  
thereunder.

4. Article 661 of the act 52 Victoria, chapter 80, is replaced by the following :

Id., 661, re-  
placed.

"**661.** The judgment of the recorder's court, in civil matters, is executory at the expiration of fifteen days from the date thereof in all cases where the defendant was summoned by writ of summons, except in suits for ejectment against tenants, in which judgment may be executed after a delay of twenty-four hours."

When judg-  
ments of re-  
corder's court  
may be ex-  
ecuted in civil  
matters.

5. Article 492 of the said act is replaced by the following :

Id., 492, re-  
placed.

"**492.** The council may, by one or more by-laws, establish a tariff and rates for the supply of water from the water-works, and may also regulate the time and mode of payment.

Tariff for  
water sup-  
ply.

The council is also empowered to make special agreements with the parties interested, to supply water for the use of steam-engines, breweries, distilleries, manufactories, livery-stables, hotels, and for all other special cases ; and, in every instance where the person receiving or being entitled to obtain water from the said water-works, neglects or refuses to pay the tax, assessment or charge exigible, it shall be lawful for the said city to cut off the water from such person's buildings, and cease to supply them with water ; but such person shall, nevertheless, remain responsible for the said arrears and be bound to pay the same as well as any tax or assessment becoming due thereafter in virtue of the said by-laws."

Power to  
make special  
agreements  
for supply of  
water to cer-  
tain estab-  
lishments,  
&c.

6. The following clause is added to article 533 of the said act :

Id., 533,  
amended.

"On all traders, merchants, dealers, manufacturers, bankers, brokers and money-changers, auctioneers, grocers, bakers, butchers, hucksters, proprietors or occupants of houses of public entertainment, taverns, coffee-houses, and eating-houses, retailers of spirituous, vinous or fermented or other liquors, proprietors of wood-yards or of coal-yards, slaughter-houses, laundries, printing establishments, bookbinders, cabinet-makers, carriage-makers, tin-smiths, plumbers, pawnbrokers, livery-stable keepers, inspectors or traders in ashes, pork, beef, flour, butter or other produce or pro-

Taxes on cer-  
tain trades,  
&c.

visions ; on railway companies, telegraph or telephone companies, light companies, makers or suppliers of motive power, insurance companies, steamboat, or steamship companies, and of companies using vessels propelled by mechanical power, or their agents, doing business in the city ; on the proprietors or managers of theatres, billiard-rooms, nine-pin alleys, or other games of the kind, and, generally, on all trades, manufactures, callings, business, arts, professions or means of profit or livelihood be they hereinbefore enumerated or not, which are now or may hereafter be exercised or operated in the said city, a business-tax at a rate not exceeding seven and a half per cent., in lieu of that of six per cent. previously imposed, and which shall continue to be leviable upon tenants or occupants of private houses or residences ; which said business-tax shall be leviable upon the annual value of the premises occupied by the said parties in the city, in which they carry on their business, or practise their trades, manufactures, callings, arts, professions, or means of profit or livelihood, besides the license charge which it shall be lawful for the council to impose for exercising any of the said callings, trades, arts, professions, traffic or pursuit, in the said city, which license shall not exceed the amount fixed and limited by the provisions of the said act."

Id., 433,  
amended.

7. The following clause is added to article 433 of the said act :

Aid to persons establishing abattoir, &c.

" Favor any person, association or company, under such guarantees as may be proper to exact, for building, operating and maintaining a public slaughter-house, with all proper restrictions as to the tariff of charges which shall be exigible ; grant to any such enterprise a special privilege as to the slaughtering of cattle within the city limits, with such advantages as regards exemption from taxes as may be lawful and established by by-law ; such by-law shall limit the duration of the privilege and set forth the conditions and obligations attached to its maintenance, and shall declare that the enjoyment of the privilege shall cease before the appointed time, owing to the non-accomplishment of the said conditions and obligations."

Id., 505, replaced.

8. Article 595 of the said act is replaced by the following :

Maximum of debenture debt.

" **595.** The total issue of the city debentures with the amount constituting the floating debt, shall never exceed an amount equal to thirty per cent. of the total estimated value of taxable real estate in the city, according to the last valuation roll then in force ; provided always that the provisions of article 4530, subsections 1 and 2 of the town corporations' general clauses'

act, which are hereby declared to apply to the city of Sorel, may be also followed to establish the legal limit of the said indebtedness."

**9.** Article 155 of the said act is replaced by the following: Id., 155, replaced.

"**155.** The presiding officer receives the nomination-papers and nominates the candidates proposed by such nomination-papers. Presiding officer to receive nominations.

When there shall be only three aldermen to be elected, each nomination-paper after the third, shall mention the candidate in opposition to whom another candidate is proposed; and, in such case, a poll shall be held for recording the votes in favor of each candidate when there are candidates in opposition; but in the contrary case, that is, where there shall be no opposing candidate, the candidate nominated shall be deemed and declared unanimously elected." Contents of nomination-paper in certain event.

**10.** Article 139 of the said act is replaced by the following: Id., 139, replaced.

"**139.** The mayor shall, henceforth be elected for two years by the vote of the majority of the electors of the city." Election of mayor for two years by vote of electors.

**11.** Article 559 of the said act is replaced by the following: Id., 559, replaced.

"**559.** The payment of municipal taxes may be claimed by an action brought, in the name of the city, before the magistrate's court, the recorder's court, the circuit or the superior court, or before the mayor; and in every such action, a statement or detailed account sworn to by the secretary-treasurer or city-clerk shall be sufficient proof of the claim subject to contrary proof like all other evidence." Suits for taxes, &c., before what court to be brought. Proof of claim.

**12.** This act shall come into force on the day of its sanction. Coming into force.

## C A P. LXI

An act to amend the charter of the city of St. Henri.

[Assented to 10th March, 1899]

**WHEREAS** the city of St. Henri has, by its petition, Preamble. represented that it is expedient to amend certain provisions of its charter, to grant it more ample powers, to grant it authority to effect a loan to enable it to meet its obligations and engagements, and to perform certain per-

manent works, absolutely needed for 1899; and whereas it is expedient to amend its charter in that sense;

Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec enacts as follows:

Art. added  
after 60 V.,  
c. 62, art. 72.  
Deposit with  
nomination-  
paper.

**1.** The following article is added after article 72 of the charter, 60 Victoria, chapter 62:

**"72a.** When the nomination-paper is handed to the presiding officer, a sum of fifty dollars in gold, in silver, in Dominion notes or in the notes of an incorporated bank doing business in the Province shall be paid into his hands by each candidate for the office of alderman.

Amount  
thereof.

The amount of such deposit shall be one hundred dollars in the case of a candidate for the mayoralty. This amount shall not be liable to seizure and shall be returned to the candidate who is elected or who, if not elected, obtains at the voting at least one-third of the number of votes polled in favor of the candidate elected; otherwise such sum shall belong to the city.

Not liable to  
seizure.

To be return-  
ed to candi-  
date in cer-  
tain event.  
Application  
of amounts  
not with-  
drawn.

The various amounts so paid, and which are not withdrawn, shall be applied by the presiding officer to the payment of election expenses, and he shall account therefor to the secretary-treasurer of the city."

Art. added  
after id., 241.

**2.** The following article is added after article 241 of the charter:

Appointment  
of boiler in-  
specter.  
Name.

**"241a.** The council may appoint a person to inspect the steam boilers used in the city.

Salary, quali-  
fications and  
powers.

Such officer shall bear the title of 'Boiler Inspector.' He shall have the salary, possess the qualifications, exercise the powers and perform the duties which the council shall determine by a by-law intituled: "By-law respecting the inspection of steam boilers in the city of St. Henri"; provided that such by-law shall not be inconsistent with the by-laws passed under article 3028 of the Revised Statutes, as enacted by the act 57 Victoria, chapter 30. This clause shall not apply to railway locomotives and engines."

Not to apply  
to loco-  
motives.

Art. added  
after id. 365.

**3.** The charter is amended by adding, after article 365, the following:

City may re-  
nounce to cer-  
tain expropri-  
ations, &c.

**"365a.** The city of St. Henri may renounce to the whole or part of the expropriations respecting which plans have been confirmed, by resolution of the majority of the members of its council, without prejudice to the damages that may have occurred to the interested parties by the deposit and confirmation of such plans, and the city is authorized to borrow to pay the damages, if there are any, provided the amount does not exceed \$100,000."

**4.** Article 397a of the charter is amended by adding thereto the following paragraph: Id. art. 397a, amended.

"Such revision shall extend to all information not already contained in the valuation roll in force, but, as regards the value of the real estate on the valuation roll, the assessors making such revision shall not alter it, unless a lot, vacant during the previous year, has been built upon, or unless the buildings have undergone such transformation that the value of the immoveable has thereby been increased by at least one-tenth." Revision of valuation roll to what confined.

**5.** The following article is added after article 450a of the charter: Art. added after id. 450.

"**450b.** The council, may by by-law, impose a tax not exceeding one dollar on each bicycle, tricycle and other similar vehicle in the city. Tax on bicycles, &c.

Such tax shall be paid by the owner thereof residing in the city. By whom payable.

This provision shall apply to persons who hire out such vehicles, but shall not apply to those used by children under ten years of age. To whom article applies.

**6.** The following article is added after article 453 of the charter. Art. added after id. 453.

"**453a.** The council may, by by-law, impose a tax not exceeding thirty cents on telegraph, telephone and electric light poles. Tax on telegraph, &c., poles.

Nothing in this article shall affect vested rights under existing contracts. Vested rights.

**7.** Article 511 of the charter is replaced by the following: Id. art. 511, replaced.

"**511.** The arbitrators shall decide which party shall pay the costs of the arbitration. Such costs shall be paid by the city if the amount offered by it is exceeded by the award of the arbitrators; but each party shall pay its costs if the demand of the claimant exceed by twenty-five per cent the amount finally awarded by the arbitrators Costs of arbitration and by whom to be payable.

They shall decide also on the amount of remuneration each arbitrator shall receive, which remuneration shall not exceed five dollars per day. Remuneration of arbitrators.

**8.** Article 653 of the charter is replaced by the following: Id., 653, replaced.

"**653.** The fiscal year in the city of St. Henri may be determined by a by-law of the council; but the yearly taxes and assessments, with the exception of the business-tax and other yearly dues, are deemed to be imposed and levied for the period comprised between the first day of January of each year and the same date of the following year. Fiscal year. Tax year.

Id., 656, re-  
placed. †

9. Article 656 of the charter is replaced by the following :

Limit of ap-  
propriations.

"656. Such appropriation shall never exceed the amount of the receipts of the preceding year, added to the unexpended balance of such receipts."

Id., 658, re-  
placed.

10. Article 658 of the charter is replaced by the following :

Responsibili-  
ty of member  
authorizing  
over expend-  
iture.

"658. Any member of a committee of the council who either verbally, or in writing, or by a vote or tacitly authorizes the expenditure of any sum of money beyond the amounts so appropriated and the amounts lawfully at the disposal of the council, or of any committee, shall be personally responsible therefor."

Ratification  
of certain  
over-expen-  
diture, &c.

11. Notwithstanding any provision to the contrary and in particular article 630 of the act 61 Victoria, chapter 65, every expense hitherto incurred and authorized by the city council in excess of the appropriations is ratified and confirmed ; and no responsibility shall rest upon the aldermen who shall have voted for such additional expenditure, and such expenditure shall be charged to the loan fund.

Power to bor-  
row certain  
sums for cer-  
tain pur-  
poses.

12. The city of St. Henri is hereby authorized to effect a loan, not exceeding the sum of \$126,000.00, to meet the following existing obligations and engagements :

1. Indemnities due to certain proprietors expropriated in 1897 according to law and to the city by-laws, and on which the city pays an average annual interest of five per cent. per annum..... \$ 54,000.00
2. Notes due to l'Union St-Joseph and the Banque Jacques Cartier in St-Henri ; the proceeds of such notes having been used chiefly to defray the cost of the expropriations for which the city was liable in 1896 ; to meet certain unforeseen and extraordinary expenses on which the city pays interest at the rate of six per cent. per annum..... 72,000.00

\$126,000.00

Sums so bor-  
rowed not to  
be diverted.

13. In no case shall it be permitted to divert the sums borrowed for the above purposes so that the amount not expended for any of such purposes may be applied to one or several others.

How loan to  
be effected.

14. The loan authorized by this act shall be effected solely by means of bonds or debentures, the duration whereof shall not be less than fifty years from the date of their



issue after having been authorized by by-law or by by-laws of the council under title eleven of the charter; provided, that the said by-laws be voted by the majority in number and in value of the electors who are proprietors and who have voted.

**15.** Article 665 of the charter is replaced by the following: Id., 665, replaced.

**" 665.** The borrowing powers, heretofore granted to the city, shall cease as soon as the council shall have borrowed under this act, and all provisions or any previous acts, inconsistent with this act, are hereby repealed, saving the right to borrow in accordance with article 490 of the charter; but such of the said provisions as may apply to the registration, privilege, ranking and transfer of any stock or bonds of the city now outstanding, shall continue to have force and effect as respects such stock and bonds only." Borrowing powers to cease in certain event. Repeal of inconsistent provisions. Proviso.

**16.** Article 666 of the charter is replaced by the following: Id., 666, replaced.

**" 666.** If, at any time, the moneys in the hands of the city-clerk, applicable to the payment of the interest or principal of any of the loans heretofore authorized and made, or of any interest due upon any debenture stock issued under this act, be insufficient to pay such interest or principal, it shall be the duty of the clerk, on the order of the council expressed in a resolution adopted at a meeting at which at least two-thirds of the members of the council shall be present, to calculate what rate upon the assessed value of the immoveable property, liable to assessment in the city, will, in his opinion, (after making fair allowances for expenses, losses and deficiencies in the collection of such rate) be required to produce a sum sufficient, with the moneys in his hands applicable to the purpose, to pay the sum due for such interest or principal or both, and to certify such rate under his hand to the city council, for the information of the latter (in the form L.)" If funds available insufficient, city-clerk to calculate what rate necessary.

**17.** This act shall come into force on the day of its sanction. Coming into force.

## CAP. LXII

An act to amend the charter of the city of Sherbrooke,  
55-56 Victoria, chapter 51.

[Assented to 10th March, 1899.]

Preamble.

**W**HEREAS the corporation of the city of Sherbrooke has, by its petition, prayed for certain amendments to its charter, (55-56 Victoria, chapter 51), and whereas it is expedient to grant the prayer of the said petition ;

Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

55-56 V., s.  
17, amended.

**1.** Subsection (c) of section 17 of the act 55-56 Victoria, chapter 51, is replaced by the following :

Payment of  
taxes a pre-  
liminary to  
right to vote  
in certain  
cases.

“(c) If he be not a proprietor of real estate in the city, he must have paid all taxes due by him to the city, and, in order to vote at any municipal election, he must have paid all such taxes before five of the clock in the afternoon of the Wednesday next preceding the polling day for such election.”

Id., s. 55,  
amended.

**2.** Subsection (k) of section 55 of the said act is replaced by the following :

Special tax  
upon certain  
companies.

“(k) A special tax on every company or person, not having its principal place of business or works in the city, that introduces its wires for the purpose of furnishing electric light or electric power for hire or sale in the city.”

Exemptions  
from payment  
of business-  
tax.

**3.** The council may, by by-law, provide that persons paying the special tax or duty imposed under the provisions of subsections g. or i. of said section 55, upon any business, trade, profession or occupation, shall be exempt from the payment of the “business-tax,” which may be imposed under subsection b. upon the same business, trade, profession or occupation.

Id. s., 61,  
amended.

**4.** Section 64 of the said act is amended by striking out the figures “2468” which occur in the seventeenth line thereof, and substituting therefor the figures “2168.”

Id. s. 66,  
amended.

**5.** Section 66 of the said act is amended by adding thereto the following subsections :

Wires to be  
placed under  
ground.

“38. To compel telephone, telegraph and electric light and electric power companies to place their wires in the streets and public places of the city underground.

Existing  
rights saved.

Nothing in this subsection shall prejudice existing rights (if any there are) in favor of any company under contracts entered into with the city.

"39. To compel all who have clerks, workmen and other employees in their service to give information as to the rates of wages paid or payable to such employees. Return from employers as to wages, &c.

"40. To compel property holders on the lines of the streets where the city sewers have been laid, to connect the sewerage of their property with the city system of sewerage. Connection with city sewers.

"41. To make an annual allowance to the mayor, not to exceed five hundred dollars. Allowance to mayor.

6. The French version of section 67 of the said act is amended by replacing the words "des dits règlements" in the second line, with the words "d'aucun règlement." French version of id., s. 67, amended.

7. The oath of qualification given in schedule I of the said act is amended by adding to the second paragraph thereof the following words : Id., schedule I, amended.

"And I have paid all taxes required to be paid, to qualify me to vote at this election." Declaration as to payment of taxes.

## CAP. LXIII

An Act to amend the acts respecting the town of Longueuil.

[Assented to 10th March, 1899.]

WHEREAS the corporation of the town of Longueuil has, by its petition, represented that it is expedient to amend and extend the powers conferred upon the town by its charter, the act 44-45 Victoria, chapter 75, as amended by the act 49-50 Victoria, chapter 47, and by the act 56 Victoria, chapter 56 ; Preamble.

Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

1. Section 1 of the act 56 Victoria, chapter 56, is replaced by the following : 56 V., c. 56, s. 1, replaced.

"1. Upon a petition of two-thirds of the proprietors in number and in value owning, by authentic titles, any lands within the territory adjacent to the town and bearing the numbers 35, 36 and 37 of the cadastre of the parish of Longueuil and their subdivisions, it shall be lawful for the town council to include the said territory within the town. Annexation of adjacent property, &c.

When such territory shall have been so included by a by-law of the town council, on the petition of the majority of the proprietors as aforesaid, it shall form part of the town of Longueuil for all the purposes indicated in the charter of the said town and its amendments.

The same shall be done under the same circumstances and conditions and by the same proceedings in the case of the territory comprising parts of lots numbers 138, 139, 140, 141, 142, 143, 145, 146 and 147,—situate to the north of Coteau Rouge road,—of the cadastre of the parish of Longueuil and their subdivisions.

The same shall also be done with reference to the territory comprising lots numbers 154, 155, 156, 157, 158, and 159, of the cadastre of the parish of Longueuil; the town shall also be allowed to annex the territory known as numbers 160, 307 and 316 of the cadastre of the town of Longueuil with the consent of the proprietors of the said lots; and the limits of the town shall be altered accordingly."

44-45 V., c.  
75, s. 11, re-  
placed.  
When elec-  
tions are held.

2. Section 11 of the act 44-45 Victoria, chapter 75, is replaced by the following :

"11. The municipal elections to replace the mayor and councillors shall take place in the month of August every second year; the partial elections, caused by a vacancy in the council, shall take place as soon as such vacancy shall occur. Public notice thereof shall be given at least eight days previous to such elections, in the French and English languages, by notices posted up at or near the doors of a Catholic church, and a Protestant church, and on the markets of the town; and the said notice shall be signed by the mayor, or the secretary-treasurer of the town, and shall specify the day, place and hour upon which the nominations for the elections shall take place."

Id., s. 12, re-  
placed.

3. Section 12 of the act 44-45 Victoria, chapter 75, as replaced by section 5 of the act 56 Victoria, chapter 56, is again replaced by the following :

Appointment  
of general pre-  
siding officer.

"12. At a meeting of the council previous to the notice announcing an election for the town, the council shall appoint a general presiding officer who shall, at the same time, be presiding officer for the election of mayor, and a presiding officer for each ward of the town.

Appointment  
of presiding  
officer for a  
ward.

2. In the case of a partial election, the council shall, at its meeting held previous to the notice announcing such election, appoint a presiding officer for the election in the ward where such election is to be held.

Qualifica-  
tions of  
presiding  
officer.

3. The election presidents must know how to read and write.

Replacing of  
officer in cer-  
tain cases.

4. In case a person appointed presiding officer as aforesaid shall not be able to act as such, the secretary-treasurer of the town may appoint any other qualified person to replace him."

Id., s. 19, re-  
placed.

4. Section 19 of the act 44-45 Victoria, chapter 75, as replaced by section 7 of the act 56 Victoria, chapter 56, is again replaced by the following :

**“19.** The second Wednesday of the month of August, 1900, and thereafter the second Wednesday of the month of August in every second year subsequently, or if that day is a non-juridical day, then the next following juridical day, is fixed as the day for the nomination of candidates for the offices of mayor and councillors.

The nomination and voting for the election of mayor and councillors shall take place at the town-hall.”

**5.** Section 22 of the act 44-45 Victoria, chapter 75, is replaced by the following :

Id., s. 22, replaced.

**“22.** In case more than one person shall be put in nomination for each of the offices of councillor in each ward a poll shall be granted for the election by the president of the election of such ward, and the said election shall be proceeded with in the manner hereinafter prescribed ; provided however that no person shall be voted for at any such election or shall be elected as councillor, unless such person shall have been put in nomination as aforesaid.”

Poll in case of contestation.

**6.** The following is added after section 22 of the act 44-45 Victoria, chapter 75 :

Section added to id., after 22.

**“22a.** The secretary-treasurer of the town shall keep a list on which shall be entered for each office of councillor a special number, of one and two, in the following manner :

List to be kept by secretary treasurer.

Office of councillor No.

For

Ward.

Each nomination-paper shall indicate, by the insertion of such special number, the office of councillor to which it relates, and the secretary-treasurer shall enter on such list, opposite each office of councillor, the names of the candidates for such office.”

Nomination-paper.

**7.** Section 24 of the act 44-45 Victoria, chapter 75, is replaced by the following :

Id., s. 24, replaced.

**“24.** In all cases where polls are granted, each such poll shall be open at the town-hall, at eight o'clock in the forenoon, on the Monday next ensuing the nomination day, as aforesaid, and, if that day is a non-juridical day, the polls shall be open, at the same place and the same hour, on the first juridical day next ensuing, by the president of the election of councillors for any ward of the town.

When and where polls are held.

Each such poll shall be closed at five o'clock in the afternoon of the day in which it shall have been opened.”

Closing of poll.

**8.** Section 20 of the act 44-45 Victoria, chapter 75, as replaced by section 8 of the act 56 Victoria, chapter 56, is again replaced by the following :

Id., s. 20, replaced.

**“20.** At ten o'clock in the forenoon of the day fixed for the nomination, either the general presiding officer, who is at the nomination,

Proceedings at nomination.

the same time presiding officer for the election of mayor or the presiding officers for the election of councillors, shall proceed to the place where such nomination is to be held, as aforesaid, and shall then and there require the electors then present to name the person or persons whom they wish to choose as mayor or as councillors, as the case may be; and from ten to eleven o'clock, any ten duly qualified electors of the town may openly and publicly address to the said president for the election of mayor a demand or requisition in writing, signed by ten electors, whether present or not at such meeting, that the person by them named be elected mayor of the town, for the next ensuing term of the office of mayor; and, in the event of there being only one such demand or requisition made, as aforesaid, or if all the demands or requisitions so made are for one and the same person, then the general presiding officer, after the expiration of the hour aforesaid, shall proclaim that person duly elected mayor of the town, for the next ensuing term; and, within the same delay, any five duly qualified electors in any ward of the said town, may, on the day aforesaid, address openly and publicly to the president of the election for such ward of the town, for the office of councillors in such ward, a demand or requisition in writing signed by five electors, whether present or not at the meeting, that the person or persons, named by them, be elected as councillors, for the ward in which the petitioners are electors, as aforesaid; and, if there be only one demand or requisition for each of the offices of councillor in such ward of the town, or, if all the requisitions made in the ward be for the election of the same person or persons, as councillors for the ward, then the president of the election for such ward of the town, after the expiration of the hour aforesaid, shall proclaim the person or persons, named in the requisition or requisitions, as the case may be, duly elected councillor or councillors for the ward, for the next ensuing term; and every such election, made as aforesaid without dissent, shall be forthwith proclaimed by the person who shall have presided at each such nomination; and the said person shall moreover give to the persons so elected mayor of the town, or councillors for any ward thereof, special notice of his or their election, within the three days next following the day of the nomination, as aforesaid."

Proclamation  
of candidates  
elected.

Id., s. 27, re-  
placed.

9. Section 27 of the act 44-45 Victoria, chapter 75, as replaced by section 9 of the act 56 Victoria, chapter 56, is again replaced by the following:

General pre-  
siding officer  
to supply the  
ward presid-  
ing officers

"27. When a poll is necessary for the election of a mayor or councillors, the general presiding officer shall, on the day following the nomination, give to each of the presiding officers of wards the list or a true copy of the list of the electors

who are entitled to vote at the polls for which the presiding officers of wards are appointed, and deliver to each of them a ballot-box to receive the ballot-papers of the electors.

with electors' list and a ballot-box.

Such ballot-box shall be made of durable materials with lock and key, and a slit or narrow opening in the top, so constructed that the ballot-paper cannot be withdrawn therefrom, without opening the box.

Manner of making ballot-box.

The general presiding officer shall also furnish the presiding officer of each ward with a sufficient number of ballot-papers to supply the number of electors entitled to vote at the poll for such ward, and, with the necessary materials to mark the ballot-papers.

Ballots also to be supplied.

To each elector who presents himself to vote a special and separate ballot-paper shall be handed for each office to be filled.

Ballots to be given to electors.

The ballot-paper of each elector shall be a printed paper, with an annex, without a line to the right of the names.

Form of ballot-paper.

The ballot-paper shall have a number corresponding to the office of councillor for which it is used and shall contain the designation of the candidates in the alphabetical order of their family names or Christian names in the case of candidates with the same family names.

Contents of ballot-papers.

The names and description of each candidate shall be set forth on the ballot-paper, as they shall have been set forth on the nomination paper."

Names, &c., of candidates on ballot-papers.

**10.** Section 28 of the act 44-45 Victoria, chapter 75, as replaced by section 10 of the act 56 Victoria, chapter 56, is again replaced by the following :

Id., s. 28, replaced.

"**28.** Whenever, at any election, the electors are required to vote for more than one member of the council, there shall be a special ballot-paper for each office of councillor to be filled ; such ballot-paper shall bear the number corresponding to the office of councillor for which it is used ; and each elector, after entering his vote in the manner herein-after set forth on each ballot-paper, shall hand them together and folded separately to the presiding officer.

Ballot-papers to be supplied to electors.

The general presiding officer shall furnish to each ward-presiding officer at least ten copies of printed directions for the guidance of electors in voting.

Copies of directions for voting.

The presiding officer shall, on the day of the voting, at or before the opening of the poll, cause copies of such directions to be posted up in some conspicuous place outside of the poll, and also in each compartment of the poll.

Posting up of directions.

The presiding officer and the poll-clerk shall respectively take the oaths prescribed for them. The presiding officer may take such oath before the poll-clerk.

Oath of officers.

The said oaths shall be annexed to the statement mentioned in section 32.

Oaths to be annexed to statement.

The voting shall take place for each of the wards where a poll is to be held at the town-hall as aforesaid ;

When voting to take place.

Compartment-  
ments in  
room.

One or two compartments shall be made within the room, so arranged that each voter may be screened from observation, and may, without intimidation, interference or interruption from any person whomsoever, mark his ballot-papers.

Persons ad-  
mitted.

In addition to the presiding officer and the poll-clerk, no persons, other than the candidates and their agents, not exceeding two in number for each candidate, shall be permitted to remain in the room where the votes are given, during the whole time the poll remains open.

Electors in  
default of  
agents, &c.

In the absence of agents or representatives of each candidate, two electors may, on application to that effect, represent such candidate.

Oath of  
agents, &c.

The agents or representatives of each candidate shall make oath, before the presiding officer, to keep secret the names of the candidates for whom the electors mark their ballot-papers in their presence.

Opening of  
ballot-box be-  
fore voting.

At the hour fixed for opening the poll, the presiding officer and the poll-clerk shall, in the presence of the candidates, and their agents, or the electors present, open the ballot-box, and ascertain that there are no ballots or other papers in the same.

Locking of  
box.

The box shall thereafter be at once locked, and the presiding officer shall keep the key thereof.

Calling upon  
electors to  
vote.

Immediately after the ballot-box shall have been locked, the presiding officer shall call upon the electors to vote, and it shall be his duty, during the election, to facilitate the admittance of every elector into the poll, and to see that he is not impeded or molested in or about the poll."

Id., s. 29, re-  
placed.

**11.** Section 29 of the act 44-45 Victoria, chapter 75, as replaced by section 11 of the act 56 Victoria, chapter 56, is again replaced by the following :

Manner of  
voting.

"**29.** Each elector, being introduced, one at a time for each compartment, into the room where the poll is held, shall declare his name, surname and addition, which shall be at once recorded in a poll-book to be kept for that purpose, in the usual form or such form as the council may adopt, by the presiding officer or poll-clerk.

Giving of bal-  
lot-papers.

If such name be found on the list of electors for such ward, the elector shall receive from the presiding officer a ballot-paper for each vote he has to give, on the back whereof such presiding officer shall have previously put his initials, and on the annex whereof, a number corresponding to that opposite the elector's name on the poll-book.

Oath to be  
taken by  
electors.

The presiding officer at each poll or his clerk, shall, if thereunto required by a candidate or his representative or by an elector, shall tender to any person who presents himself and asks for a ballot-paper the following oath or affirmation :

"You swear (or affirm) that you are a subject of Her Majesty ;



That you are of the full age of twenty-one years ;

That your ~~name~~ is the same as that entered on the assessment roll (or on the list of municipal electors, if there be one ;)

That you have a right to vote at this election ;

That you have not voted before for the office or offices to be filled at this election ;

That you have not been guilty of any corrupt practice which disqualifies you from voting at this election ;

That all your exigible municipal assessments, taxes and dues were paid on or before the fifteenth day before the day fixed for the voting.

That you have not received or been promised anything for yourself, either through your wife or through any member of your family, or any of your friends, either directly or indirectly, to vote at this election, and that you have not already voted at this election, (of mayor or councillor for this ward, *as the case may be*) ;

That you have not acted nor intend to act in the interest of any candidate at this election, either as paid carter or paid canvasser with a view of obtaining anything for your trouble : So help you God.'

No ballot-paper shall be given by the presiding officer to any elector, who shall have refused to take the oath or affirmation above-mentioned, when thereunto required, or who, having taken the same, shall not have answered in the manner prescribed, nor shall he be allowed to present himself again to vote at the same election.

Ballot-paper to be refused, if oath not taken, &c.

Whenever any presiding officer has reason to know or believe that any person, presenting himself to vote, has already voted at the election, or that such person desires to vote under a false name or designation, or falsely gives himself out or represents himself as entered upon the list of electors, such presiding officer, whether he be required to do so or not, may administer to such person the oath or affirmation authorized by law.

Persons supposed to have already voted, &c.

The elector, on receiving the ballot-paper or ballot-papers, shall forthwith proceed into one of the compartments of the poll, and there shall mark his ballot-paper or ballot-papers, making a cross with a black lead pencil, opposite the name of the candidate or candidates for whom he intends to vote, after which he shall fold it or them up so as to conceal his mark and hand it or them to the deputy-presiding officer.

Proceedings to be followed after receipt of ballot-paper.

Such officer shall ascertain, by examination of his initials and of the number, without unfolding the same, that such ballot-paper or ballot-papers is or are the same supplied by him to the elector and, after having detached and destroyed the annex, he shall immediately, and in the presence of the voter, place the same in the ballot box."

Examination to ascertain the identity of ballot.

Id., s. 32, re-  
placed.

**12.** Section 32 of the act 44-45 Victoria, chapter 75, as replaced by section 14 of the act 56 Victoria, chapter 56, is again replaced by the following :

-Opening of  
ballot-box  
after the  
voting.

**" 32.** Immediately after the close of the poll, which shall be at five o'clock in the afternoon, the presiding officer shall, in the voting room, and in presence of the poll-clerk, and of the candidates or their agents, or in the absence of any one of the candidates or their agents, in the presence of at least three electors, open the box containing the ballot-papers, and proceed to count the number of votes given for each candidate.

Ballots re-  
jected.

The presiding officer, on reading and counting the ballot-papers, shall reject :

1. All ballot-papers which are not similar to those supplied by him ;

2. All ballot-papers by which more than one vote has been given ;

3. All those upon which there is any writing, mark, or indications by which the voter could be identified.

Packing up of  
ballots count-  
ed, &c.

After the other ballot-papers have been counted, and a list made of the number of votes given to each candidate, and of the number of ballot-papers rejected, all the ballot-papers indicating the votes for each candidate shall be put into separate sealed envelopes or parcels bearing the number corresponding to the office of councillor for which they have been used ; those rejected shall also be put into a different sealed envelope or parcel bearing the number corresponding to the office of councillor for which they have been used.

Placing same  
in box.

All these parcels, after having been endorsed, so as to indicate their contents, shall be put back into the ballot-box.

Report by  
general pre-  
siding officer.

Within one hour from the closing of the poll, the presiding officer shall make a report to the general presiding officer stating the number of the votes given to each candidate and the number of ballot-papers rejected.

Note of ob-  
jection made  
to ballot.

The presiding officer shall take a note of any objection, made by any candidate, his agent or any elector present, to any ballot-paper found in the ballot-box, and shall decide any question arising out of the objection.

Decision final.

His decision shall be final, and shall only be reversed on petition, questioning the election or return.

Numbering of  
objections.

Each objection shall be numbered, and a corresponding number placed on the back of the ballot-paper and initialed by the presiding officer.

Statement of  
ballots.

The presiding officer shall make out a statement indicating the number :

(a) Of the accepted ballot-papers ;

(b) Of the votes given to each candidate ;

(c) Of the rejected ballot-papers ;

(d) Of the spoiled and returned ballot-papers, and

(e) Of the ballot-papers which have not been used, and which are returned by him.

He shall make and keep a copy of such statement and enclose the original in the ballot-box. What is to be placed in the box.

He shall also place in the ballot-box all lists of electors used by him, after having written, at the foot of each of such lists, a statement certifying the total numbers of electors who voted on such list.

The poll-book, his commission, that of the poll-clerk, their oaths of office, unused ballot-papers, and all other lists or documents that may have been used or required at such election, shall also be placed by the presiding officer in the ballot-box.

The ballot-box shall then be locked and sealed, and shall be returned to the general-presiding officer." Locking of box, &c.

**13.** Section 33 of the act 44-45 Victoria, chapter 75, as replaced by section 15 of the act 56 Victoria, chapter 56, is again replaced by the following: Id., s. 33, replaced.

**"33.** If the general presiding officer be unable to receive or collect the ballot-boxes, such boxes shall be delivered to one or more persons specially appointed for that purpose by the presiding officer. Delivery to special messenger.

Such persons, on delivering the ballot-boxes to the general presiding officer, shall take the oath given in a form prepared by the council. Oath of messenger.

The general presiding officer, on being requested so to do, shall deliver, *gratis*, to each candidate or his agents, or, in their absences to the electors representing such candidate a certificate of the number of votes given for each candidate, and of the number of rejected ballot-papers." Certificate of number of votes given for each candidate.

**14.** Section 36 of the act 44-45 Victoria, chapter 75, as replaced by section 17 of the act 56 Victoria, chapter 56, is again replaced by the following: Id., s. 36, replaced.

**"36.** On the day following the election, at the hour of ten in the forenoon, the general presiding officer shall, in the office of the corporation at the town-hall, open the ballot-boxes in the presence of two witnesses, as also in the presence of the candidates, or their respective agents, if they are present, and shall ascertain the number of votes given at the polls for each candidate, from the statements found in the several ballot-boxes returned by the ward presiding officers. Summing up of votes.

After the final counting of the votes, the general presiding officer shall declare and proclaim elected as mayor the candidate who has obtained the largest number of votes in the town, and as councillor or councillors for each ward, the candidate or candidates who has or have received the greatest number of votes in the ward. Proclamation of mayor and councillors elected.

Secretary-treasurer to parcel up ballots and seal and keep for certain time.

After the final counting of the votes, the secretary-treasurer, shall wrap up all the documents and ballot-papers in a single parcel, which he shall seal and shall keep in the office of the council for at least forty days ; after the expiration of such delay, he may destroy what is not required, if there be no contestation of the election.

Lost ballot-boxes, &c.

If the ballot-boxes, or any of them, have been destroyed, or lost, or are not forthcoming, the general presiding officer shall forthwith ascertain the cause of the disappearance of such ballot-boxes and shall procure from the ward presiding officer whose box is missing, or from any other person having the same, the lists, statements and certificates required by this act, or copies of these documents.

Verification of documents.

Each of such documents shall be verified on oath taken before the general presiding officer.

If lists, &c., cannot be obtained.

If the lists, statements, certificates, or copies thereof, cannot be obtained, the general presiding officer shall ascertain, by such evidence he may be able to obtain, the total number of votes given to each candidate at the several polls where ballot-boxes are missing."

Id., s. 37, replaced.

**15.** Section 37 of the act 44-45 Victoria, chapter 75, as replaced by section 18 of the act 56 Victoria, chapter 56, is again replaced by the following :

Candidates to be declared elected.

"**37.** The candidates who, on the final summing up of the votes, shall be found to have a majority of votes, shall be then declared elected.

Casting vote of general presiding officer.

When, on the final addition of votes, an equality of votes is found to exist between any of the candidates, and the addition of a vote would entitle any one of such candidates to be declared elected, it shall be the duty of the general presiding officer, immediately to give such additional or casting vote, by declaring in writing, signed by himself, for whom he votes.

R. S., 4229 to 4273, not to apply to town.

All the articles of the Revised Statutes, from articles 4229 to article 4273, respecting the mode of voting at the elections of towns generally, shall not apply to the town of Longueuil."

Id., s. 39, replaced.

**16.** Section 39 of the act 44-45 Victoria, chapter 75, as replaced by section 20 of the act 56 Victoria, chapter 56, is again replaced by the following :

Term of office of mayor and councillors.

"**39.** The mayor and councillors of the town shall be elected for two years, except in the case provided by section 42, and the mayor and councillors in office at the time of the passing of this act, shall so remain in office until the general elections to be held in the month of August, 1900.

When it expires.

2. The term of office for the mayor and councillors shall expire the day upon which the first meeting of the town council shall take place, after the general elections for the said town, at the opening of the said sitting.

Article 4195 of the Revised Statutes shall not apply to the town of Longueuil." R. S., 4195,  
not to apply  
to town.

**17.** Section 43 of the act 44-45 Victoria, chapter 75, as replaced by section 21 of the act 56 Victoria, chapter 56, is again replaced by the following: Id., s. 43, re-  
placed.

**"43.** In case it shall at any time happen that a municipal general election shall not be held, for any reason whatever, on the day when it ought to have been held, it shall be the duty of such members of the council to meet again for the purpose of fixing a day as near as possible, for the holding of such municipal general election and for the appointment of the presidents of the election, and in that case, the public notices shall be posted up at least four clear days before the election; and if, within fifteen days after the day on which such general election ought to have been held, the council shall have neglected to appoint a day for the election, the members shall be liable to a penalty of twenty dollars each; and, in the latter case, the mayor of the town or, in his absence, the pro-mayor or a councillor shall, under a penalty of not less than one hundred dollars, cause the said elections to be proceeded with, and, for that purpose, shall appoint the presidents of elections, give the required public notices, fix the nomination day for the election of the mayor and councillors, and in a like manner he shall fix the polling days for the elections, in case polls shall be granted for such elections, and, generally, he shall exercise all the powers vested in the town council, according to the election provisions of this act, in relation to the general elections; provided, always, that the public notices required for such elections, so convened and fixed by the mayor, the pro-mayor, or a councillor, be posted up at least four clear days before such elections."

Councillors in  
office may  
cause election  
to be held, if  
not held on  
the day fixed.

**18.** Paragraph 2 of section 45 of the act 44-45 Victoria, chapter 75, is replaced by the following: Id., s. 45, §2,  
replaced.

**"2.** At such first session the mayor and councillors shall, respectively, take the following oath before a justice of the peace: Oath to be  
taken by  
mayor and  
councillors.

**'I** do solemnly swear faithfully to fulfill the duties of mayor (or councillor) of the town of Longueuil, to the best of my judgment and ability. So help me God.'"  
Form of oath.

**19.** Section 46 of the act 44-45 Victoria, chapter 75, as replaced by section 23 of the act 56 Victoria, chapter 56, is again replaced by the following: Id., s. 46, re-  
placed.

**"46.** The town council shall meet in general session on every Monday of each week. In case of any of such days being holidays, such session shall take place on the first jurid- When council  
holds its ses-  
sions.

ical day next following. The town council, at such sessions, may proceed to the transaction of the affairs of the town.

Where to be held.

2. The council shall hold their sittings in the town-hall, or in any other place which shall have been set apart for that purpose, by resolution, either temporarily or permanently."

Id., s. 80, § 1, replaced.

**20.** Paragraph 1 of section 80 of the act 44-45 Victoria, chapter 75, as replaced by section 26 of the act 56 Victoria, chapter 56, is again replaced by the following :

Appointment of secretary-treasurer.

**"80.** The council, at its first session in the month of August following the coming into force of this act, shall appoint a secretary-treasurer, who shall remain in office during pleasure of the council."

Id., s. 95, § 1, replaced.

**21.** Paragraph 1 of section 95 of the act 44-45 Victoria, chapter 75, as replaced by section 29 of the act 56 Victoria, chapter 56, is again replaced by the following :

No one shall vote unless his name is on the list.

**"95.** No person shall have the right to have his vote registered for the candidate or candidates in his ward, unless the name of such person shall be inscribed on the list of the electors for the ward in which such person is qualified.

For general or partial elections for mayor or councillors, the secretary-treasurer shall, within the fifteen days immediately following the last day allowed to municipal electors to qualify themselves as such, as regards payment of their municipal taxes or assessments or other municipal rates, be obliged to make a copy of the list for each ward, and he shall strike out from such copy the name of any elector who, according to the collection roll shall not have, on or before the said day, paid his municipal taxes and water-rates ; and such copies of lists so corrected shall be sent to the various presidents of election for each ward of the town before the day of the nomination."

Id., s. 96, replaced.

**22.** Section 96 of the act 44-45 Victoria, chapter 75, as replaced by section 30 of the act 56 Victoria, chapter 56, is again replaced by the following :

Auditors.

**"96.** At the first general meeting of the month of June, two persons, conversant with book-keeping, who are owners of real estate in the town, in their own name or in that of their wives, of the value of at least six hundred dollars, shall be appointed by the council to be auditors of the accounts of the town corporation ; and such auditors shall take the following oath, before the mayor or one of the councillors of the town of Longueuil :

Oath.

' I, \_\_\_\_\_, having been appointed to the office of auditor of the town of Longueuil, do hereby

swear, that I will faithfully perform the duties thereof, according to the best of my judgment and ability. So help me God."

**23.** Section 97 of the act 44-45 Victoria, chapter 75, is replaced by the following : Id., s. 97, replaced.

"**97.** The auditors shall be bound to make, before the first of August, a financial report of the business for the twelve months expired the thirtieth of June preceding. Report by auditors."

**24.** Section 99 of the act 44-45 Victoria, chapter 75, as replaced by section 32 of the act 56 Victoria, chapter 56, is again replaced by the following : Id., s. 99, replaced.

"**99.** The town council shall, at one of its sessions of the month of April, appoint three assessors, who shall remain in office during the pleasure of the council; and it shall be the duty of the said assessors to make, between the first day of May and the first day of June, in each year, in the manner prescribed by the council, the valuation of the rateable and non-rateable properties in the town, and that distinctly as to each category, according to the real value thereof, and it shall be their duty to enter on the said roll the names of the tenants and occupants and the amount by them paid for their annual rent and also the annual value of their occupation. They shall further inscribe in the said roll all other information required by the council." Assessors.

**25.** Section 101 of the act 44-45 Victoria, chapter 75, as replaced by section 33 of the act 56 Victoria, chapter 56, is again replaced by the following : Id., s. 101, replaced.

"**101.** The assessors shall be proprietors of real estate in the town, in their own name or in that of their wives, of the value of at least six hundred dollars and shall be able to read and write. The council shall appoint a competent person to act as secretary to the assessors." Qualification of assessors.

**26.** Section 34 of the act 56 Victoria, chapter 56, is repealed. 56 V., c. 56, s. 34, repealed.

**27.** Paragraph 4 of section 129 of the act 44-45 Victoria, chapter 75, is replaced by the following : 44-45 V., c. 75, s. 129, § 4, replaced.

"4. On every dog, kept by persons residing in the town, an annual sum of two dollars; and on every bitch likewise kept by any such person, an annual sum of three dollars." Tax on dogs.

**28.** Section 131 of the act 44-45 Victoria, chapter 75, as replaced by section 8 of the act 49-50 Victoria, chapter 47, is again replaced by the following : Id., s. 131, replaced.

"**131.** It shall be lawful for the council to regulate by a law or by-laws and to impose and levy certain annual duties or taxes on all proprietors, possessors, agents and mana- Taxes upon certain trades and callings.

gers of billiard rooms, ten-pin alleys, or other games or amusements of a public nature of any kind whatsoever, not exceeding twenty-five dollars; on all grocers, bakers, butchers, hawkers, peddlers, hucksters, livery-stable keepers, proprietors of laundries, and on all traders and manufacturers and their agents, proprietors or keepers of wood-yards or coal-yards and slaughter-houses in the town, not exceeding twenty dollars; on all money-changers or exchange-brokers, pawn-brokers and their agents; on all banks and bankers and all agents of bankers or banks; on all insurance companies or their agents, not exceeding fifty dollars, and generally on all commerce, manufactures, occupations, arts, trades and professions, which have been or which may be exercised in or introduced into the town, whether the same be or be not herein mentioned, not exceeding ten dollars; on every person in the town practising the profession of an advocate, physician, land-surveyor, notary, architect or any other liberal profession within the limits of the town, a sum not exceeding ten dollars; and upon every owner or possessor of a bicycle a sum not exceeding two dollars; and the council may appoint, in addition to the assessors, a person or persons to make the roll of the persons and moveable property mentioned in the different parts of this section."

*Id.*, s. 137,  
repealed.

**29.** Section 137 of the act 44-45 Victoria, chapter 75, is repealed.

*Id.*, s. 172, re-  
placed.

**30.** Section 172 of the act 44-45 Victoria, chapter 75, as replaced by section 10 of the act 49-50 Victoria, chapter 47, and by section 39 of the act 56 Victoria, chapter 56, is again replaced by the following :

Taxation of  
proprietors  
for drains.

**" 172.** To assess proprietors of lots situate on any street or on any specified portion thereof, for such sums as may be deemed necessary for the making or repairing the common sewer in any such street or in any specified portion thereof, in such manner as may be specified and determined by the by-laws, and to regulate the method of collecting such taxes and assessments, and authorize the council to order a special valuation for that purpose, if necessary; provided that one-third in number of the proprietors of a street or specified part thereof shall have asked that such sewers be made or repaired and have asked for such assessment; provided, also, that it shall be lawful for the council to aid in the construction of such works in the proportion of not more than one-fourth of the total cost thereof. Nevertheless, the council shall pass a by-law to determine the manner of asking for the construction of sewers, and shall apportion the costs of construction upon the persons whom it may



consider interested in such work. Notwithstanding the above provisions, it shall always be lawful for the council to make a by-law ordering the construction or repairing of such sewers, unless three-fourths in number of the interested parties oppose the same.

2. Whosoever shall desire to have the drain on his property empty into the common sewer shall make a deposit in the hands of the secretary-treasurer of the town sufficient to enable the town corporation to have the connection between such drains made by its officers; and whosoever shall act in contravention of this provision shall be liable to a fine of not less than twenty dollars.”

Cost of connecting private drain with town drains.

**31.** Section 166 of the act 44-45 Victoria, chapter 75, is replaced by the following :

Id., s. 166, replaced.

“**166.** To compel the proprietors of all lands and real property within the town, their agents or representatives, to fence the same, but this shall not apply to lands fronting on roads which do not belong to the town; and to regulate the height, strength and materials of every such enclosure.

Fencing of property.

All the persons above-mentioned shall, before putting up any building on such land, apply to the building inspector and obtain from him a permit, as well as the line on which such buildings may be erected.”

**32.** Section 174 of the act 44-45 Victoria, chapter 75, is replaced by the following :

Id., s. 174, replaced.

“**174.** When the water-rates shall not be sufficient for paying the interest on the sums expended for establishing or building such aqueducts, and for creating a sinking fund, to assess in the manner and at the time hereinafter provided in section 240, all taxable real estate in such town at an annual special tax not exceeding three-fourths of a cent in the dollar of their assessed value of such real estate, provided the said corporation shall be bound, on demand, to convey the water opposite any property on which there is a building, situated at a distance not exceeding one hundred and eighty feet from the point where water-pipes have been previously laid down, and above the annual special tax, to provide for the payment, by all persons occupying houses or lodgings for which the council shall have conveyed water or caused it to be conveyed, of a water-rate based on such tariff or scale as the said council may deem expedient, provided always, that the council shall have the right to oblige every person to pay the water-rate whether they use the water or not, as soon as the council shall have notified such person by a verbal or written notice, given by the secretary-treasurer or by any police constable in the town, that it has conveyed, at the cost of the cor-

Water-tax.

poration, the water opposite to the house occupied by such person ; and it shall be lawful for such council to exact from the proprietor, tenant, subtenant, or occupant, the payment of the water-rate, in case a dwelling-house or shop is occupied by several tenants, subtenants or occupants, who would be deprived of the use of the water through the proprietor refusing or neglecting to give to each tenant, subtenant or occupant a distinct and separate water-pipe; provided the tenant, subtenant, or occupant, who shall be obliged by such council to pay the water-rate, shall have the right to be reimbursed by the proprietor, and to deduct for that purpose an amount equal to the water-rate by him so paid, from and out of the rent that he may then or will hereafter owe the proprietor ; and it shall, moreover, be lawful for the said council to make special arrangements with interested parties to supply water to any person without the limits of the town, provided such persons shall conform themselves to the by-laws of the town concerning the management of the said aqueduct, and also to supply water for the use of steam-engines, breweries, distilleries, tanneries, manufactories, mills, livery-stables, hotels, and other special establishments."

Id., s. 239,  
amended.

**33.** The following paragraph is added to section 239 of the act 44-45 Victoria, chapter 75 :

Lighting of  
crossing by  
electricity.

" 2. The said council may, when the streets of the town are lit by electricity, order that, for the greater safety of travellers, the said crossing be lighted by electric light or otherwise as may be deemed expedient."

Id., s. 242, §  
7, replaced.

**34.** Paragraph 7 of section 242 of the act 44-45 Victoria, chapter 75, as replaced by section 14 of the act 49-50 Victoria, chapter 47, is again replaced by the following :

Public notice  
of deposit of  
roll.

" 7. He shall give a public notice, in the manner required for the publication of by-laws, that the collection rolls are completed and deposited in his office ; that a discount of three per cent. will be allowed to any rate-payer mentioned in the said rolls who shall pay his indebtedness on or before the first day of September, and a discount of two per cent. shall be allowed to any rate-payer mentioned on the rolls who will pay on or before the first of November then next ; which discount shall be deducted from the various amounts which such rate-payer shall pay within such delay ; provided that such amount represents taxes or water-rates only for the then current year. Such notice shall moreover state that every person, mentioned in the rolls as being indebted for any taxes whatever, or for water-rates, is required to pay the amount thereof to the secretary-treasurer at his office within the ten days following the date of the notice, without further notice."

**35.** Section 256 of the act 44-45 Victoria, chapter 75, is replaced by the following : Id., s. 256, replaced.

**" 256.** The town corporations general clauses act, 40 Victoria, chapter 29, shall not apply to the town of Longueuil, Nevertheless section 1 of the act, 56 Victoria, chapter 33, shall apply to the town of Longueuil ; less that part thereof which refers to immoveables belonging to railway companies." Laws applicable.

**36.** This act shall come into force on the day of its sanction. Coming into force.

## CAP. LXIV

An Act to amend the acts respecting the town of Lachine.

[Assented to 10th March, 1899]

**WHEREAS** the town of Lachine has, by petition, represented that it is expedient to amend the various acts concerning it and to add certain other provisions thereto, among others, respecting the number of its councillors, the term of office of the mayor, the qualification of the electors, the borrowing power, the general system of sewerage, the establishment of a recorder's court, and the sale of immoveable property by the town of Lachine for taxes ; Preamble.

Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

**1.** From and after the general elections of the year 1900, 34 V., c. 53, inclusively, section 3 of the act 36 Victoria, chapter 53, as amended by section 4 of the act 38 Victoria, chapter 78, shall be replaced by the following : s. 3, replaced.

**" 3.** The council of the town of Lachine shall be composed of a mayor and nine councillors. There shall be three councillors for each ward, designated respectively by the numbers one, two and three. The council shall, by by-law, assign to the councillors already elected or to be elected one of such numbers. The mayor and councillors compose the council of the town of Lachine and represent for all lawful purposes the corporation of the town of Lachine. Composition of council.

The councillors whose term of office shall not have expired at the time of the aforesaid general elections of 1900, shall continue in office until the expiration of their term. There shall be, at the general elections of 1900, only the election of the mayor, the three councillors going out of office and the three new councillors. Thereafter, there shall be an election for mayor and councillors as their term of office shall expire." Councillors in office at general elections of 1900. Who to be elected at such election. Subsequent elections.

Id., s. 8, § 4,  
replaced.

**2.** From and after the aforesaid general elections of 1900, paragraph 4 of section 8 of the act 36 Victoria, chapter 53, shall be replaced by the following :

Term of office  
of mayor and  
councillors.

**“ 4.** The mayor and councillors shall be elected for two years, and shall remain in office until their successors enter into office.”

Id., s. 8,  
amended.

**3.** Section 8 of chapter 53 of the act 36 Victoria, chapter 53, as replaced by section 7 of the act 38 Victoria, chapter 78, is amended by adding thereto, after paragraph 8g, the following :

Written nomi-  
nations for  
mayor and  
councillors  
and proceed-  
ings at nomi-  
nations.

**“ 8h.** The mayor and each of the councillors may also be nominated by means of a written requisition signed by at least six qualified electors, whose signatures shall be acknowledged and established by means of an affidavit by any person of full age taken before a justice of the peace or a commissioner of the Superior Court of the district. In such case, it shall not be necessary for the electors subscribing the requisition to be present in person during the hour of nomination. The requisition so made shall be presented to the officer presiding the election by the candidate himself or by any person for him during the hour for nomination.”

Id., s. 9, § 5,  
replaced.

**4.** From and after the aforesaid elections of 1900, paragraph 5 of section 9 of the act 36 Victoria, chapter 53, shall be replaced by the following :

Quorum of  
council.

**“ 5.** Five members of the council shall constitute a quorum.”

38 V., c. 78,  
s. 6, § 2, re-  
placed.

**5.** Paragraph 2 of section 6 of the act 38 Victoria, chapter 78, is replaced by the following :

Payment of  
taxes before a  
certain time  
required be-  
fore having  
right to vote.

**“ 2.** No person qualified to vote at any municipal election in the said town, shall have the right of having his vote registered, unless he shall have, on or before the Saturday before such voting, paid his municipal and school taxes and all other dues then due, other than the assessments or taxes and municipal and school taxes on real estate, provided such person does not owe more than one year of such municipal and school taxes and dues upon such real estate.”

Id., § 4, re-  
placed.

**6.** Paragraph 4 of section 6 of the act 38 Victoria, chapter 78, is replaced by the following :

Production of  
receipt for  
payment of  
taxes may be  
required of  
elector,

**“ 4.** It shall be lawful for any candidate at any such election of mayor or of councillor of the said town, and for any person representing any candidate at any election in the said town, to require from the municipal electors the production of the receipts or certificates of the secretary-treasurer, establishing the payment of the taxes and municipal and school dues then payable, other than assessments or taxes and municipal

and school dues on real estate as specified in the preceding paragraph 2, or, in default of receipt or certificate, to require an oath from the voter that such taxes and municipal and school dues then payable are paid and had been paid on or previous to the Saturday before the voting."

Or oath that taxes have been paid.

7. Schedule A at the end of the act 55-56 Victoria, chapter 54 is replaced by the following:

55-56 V., c. 54, schedule A, replaced.

### "SCHEDULE A.

#### ELECTOR'S OATH.

You swear that you are (*name, residence and occupation* Oath. *of the elector, as entered on the list*), whose name is entered on the list of electors now shown to you (*exhibiting the list to the elector*), that you are a British subject, that you are twenty-one years of age, that you have not already voted at this election, that all your taxes and municipal and school dues now payable other than the assessments or taxes and municipal and school dues on real estate, with the exception of last year, have been paid conformably to the provisions of the charter of this town, and that you have not received anything, and that nothing has been promised you, either directly or indirectly, to induce you to vote at this election. So help you God."

42. Section 43 of the act 36 Victoria, chapter 53, as replaced by section 5 of the act 52 Victoria, chapter 83, and by section 8 of the act 55-56 Victoria, chapter 54, is again replaced by the following:

"43. The said town council may, from time to time, borrow sums of money up to four hundred thousand dollars, including the one hundred and fifty thousand dollars already borrowed, to be appropriated to public improvements in the town, to the erection of one or more markets, to the drainage of the streets, providing a water supply, lighting, and to all other purposes which the council may consider necessary and advantageous, and which shall be mentioned in the by-laws."

Power to borrow certain sum for certain purposes.

44. It shall be lawful for the council of the town of Lachine to establish, by by-law to that effect, a system of sewers in the town or in any part thereof, which may be built by the town or otherwise as the council may deem expedient. To that end and to meet the expenses occasioned by the establishment of such a system, the town of Lachine is authorized to borrow, within the limits of its borrowing power, a sufficient amount for which it shall issue bonds redeemable in forty years and bearing interest at a rate not

Power to establish system of sewerage for town and to expend money therefor, and issue of bonds for such purpose.

exceeding four per cent. Such interest shall be paid out of the general funds of the town, which, with the view of increasing such general funds for that object, shall have power to impose a special tax on the real estate in proportion to the value of such real estate as shown on the valuation roll.

Renewal of  
loan, &c.

When the time shall come for the repayment of the said loan, the town of Lachine may either renew it, or effect another for a further period not exceeding forty years, or repay it by means of a special assessment on real estate in proportion to the value thereof as shown on the valuation roll.

Power to ex-  
cavate streets  
&c., for drain-  
age, &c.

**10.** The town of Lachine shall have the necessary powers to excavate all streets, lanes and public or private roads in the town for the purpose of constructing its drains or laying its pipes, provided that such streets, lanes and public or private roads have been open to the public.

Power to pur-  
chase, &c.,  
property for  
main drain,  
&c.

**11.** The town of Lachine is authorized to purchase or acquire, take possession of, and enter in and upon any land or property whatsoever within the limits of the town, for the purpose of constructing a main or common sewer, or a discharge for a common sewer or for its sewerage system, or any other improvement deemed necessary, by mutual agreement with the owners or other persons interested, or by expropriation according to law.

Immediate  
possession  
may be taken.

But, in any case, to avoid delay in the execution of such works, the council is authorized to take immediate possession of the land considered necessary for the construction of the said sewers.

Construction  
of private  
drains.

**12.** The council of the town may, in its discretion, determine the manner in which and within what delay private drains shall be made, after the common sewer is made in any street or part of a street.

Cost of such  
drains.

Owners of real estate are bound to make private drains up to the line of the road or street at their own expense within the delay and in the manner prescribed by the by-law or by-laws to that effect; they are also bound to their maintenance.

Outlet for  
sewerage may  
be acquired.

**13.** The town of Lachine may make special arrangements with any municipality or person or public body to secure an outlet for its sewerage; but, in the event of such outlet being refused, the town shall have the right to conduct the sewerage to the most convenient point in the river St. Lawrence, through such lands as may be necessary, but upon paying therefor such reasonable compensation as may be established by arbitration or by mutual consent.

**14.** After drains are made in any street or in any part of a Privies, &c. street, the council may compel proprietors who have privies <sup>may be re-</sup> moved after on their property to remove them within a specified delay, drains are and to replace them by water-closets, and order that each built, &c. lodging be provided with them.

**15.** It shall be lawful for the town of Lachine, by by-law, to Establish- establish a court of record called "the recorder's court." For ment of re- that purpose all the articles of the act of the Province of Quebec, corder's court. 60 Victoria, chapter 62, respecting the recorder's court of the 69 V., c. 62, city of St. Henri, from article 549, inclusively, to article 616, art. 549 to also inclusively, shall apply to the town of Lachine, and form 616 to apply. part of its charter, the name of the town of Lachine being sub- stituted for that of the city of St. Henri wherever necessary.

All the said articles shall remain in force for the town of How long to Lachine, so long as they are not amended for itself. be in force.

**16.** Articles 550 and 552 of the act 60 Victoria, chapter 60 V., c. 62, 62, are replaced, as regards the town of Lachine, by the fol- arts. 550 and 552 replaced lowing : for town.

The recorder shall be appointed by the Lieutenant- Appointment Governor in Council ; he shall be *ex officio* a justice of the peace of recorder. for the district of Montreal and be vested with all the rights and powers of one or of two justices of the peace and those of the recorders' court. It shall not be necessary for the recorder Need not be to be an advocate, so long as the aforesaid council shall not advocate. decide, by a by-law to that effect, that from the date speci- fied in such by-law the recorder shall be an advocate of at least five years' practice, and the salary of the said recorder Salary of re- shall also be fixed by by-law, but shall not exceed three corder. hundred dollars per annum.

**17.** Section 31 of the act 38 Victoria, chapter 78, is re- 38 V., c. 78, a. placed by the following : 31, replaced.

**31.** The secretary-treasurer shall make out, from time to time, a list containing a sufficient designation of the prop- List of prop- erties, the sale of which by public auction shall have been erties indebt- ordered by the said council as aforesaid, and he shall give, ed for taxes to be made within fifteen days after such order shall have been given, a by secretary- public notice in the manner prescribed for the publication of treasurer. the by-laws, of the day, hour and place where such sale by public auction shall take place, and such notice and copies thereof to be posted up, shall be respectively accompanied with a copy of the list of the properties to be so publicly sold. The above public notice and the list which shall accompany it, shall be published twice in the French Publication of notice in and English languages in the *Quebec Official Gazette*, *Quebec Offi- before such sale ; such sale shall not take place before cial Gazette.* fifteen days at least after the first insertion of the said notice Sale there- and list in the said *Official Gazette* ; provided always, that after.

**Redemption.** all owners of real estate sold under the authority of this section, shall be allowed to resume possession of the same within the space of two years next after the date of such sale, on paying to the purchaser the full amount of the purchase money, with legal interest thereon, and any necessary outlay which may have been made on the said property by order of the said council under this act, on condition, however, that the said purchaser shall have kept the said property in the same state and condition in which it was at the time of the purchase, and shall not have damaged it or allowed it to deteriorate, and moreover the costs incurred to make such sale, and in addition five per centum over and above the interest as well on the amount of purchase money and costs as on the price of the said outlay; and provided also, that if, after such sale of property, any surplus shall remain over and above the sum due to the said council, for assessment and costs, such surplus shall be deposited by the said secretary-treasurer in the office of the prothonotary of the superior court of the district of Montreal, to be paid to the person entitled thereto.

**Further proviso.**

**Effect of sale.** Such sale shall have the effect of freeing the immovable sold from any hypothec or charge whatsoever as if it had been made by the sheriff of the district."

**Coming into force.**

**18.** This act shall come into force on the day of its sanction.

## CAP. LXV

An Act to consolidate the acts incorporating the town of Farnham.

[Assented to 10th March, 1899]

**Preamble.**

**WHEREAS** the corporation of the town of Farnham has, by its petition, set forth that it is necessary to amend and consolidate the acts 40 Victoria, chapter 47, and 49-50 Victoria, chapter 52, respecting the said corporation, and has prayed that more ample and better defined powers be granted to it; and whereas it is expedient to grant its prayer;

Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:



## TITLE I.

## ORGANIZATION OF THE TOWN AS A CORPORATION

## SECTION I

## INCORPORATION OF THE TOWN

1. This act shall be known as "The charter of the town of Name of act. Farnham."

2. The acts 40 Victoria, chapter 47, and 49-50 Victoria, 40 V., c. 47, and 49-50 V., chapter 52, are repealed. c. 52, repealed.

3. From and after the passing of this act, the inhabitants of the town of Farnham, as hereinafter described, and their successors, shall be and they are hereby declared to be a body politic and corporate, in fact and in law, under the name of "The corporation of the town of Farnham," and separated from the county of Missisquoi for all municipal purposes; and, under such name, they and their successors shall have perpetual succession, and shall be capable of appearing in law, suing and being sued in all courts and in all actions, causes and complaints whatsoever; they shall have a common seal, which they may change and modify at pleasure, and shall in law be capable of receiving by donation, acquiring, holding, transferring and alienating property, moveable and immoveable, for the use of the town, of becoming parties to all contracts or agreements in the management of the affairs of the town, and of giving or accepting all notes, bonds, obligations, judgments or other instruments or securities for the payment or for insuring the payment of any sum of money borrowed or loaned or due, or for the execution of any other duty, right or thing whatsoever.

Corporation constituted.  
Name.  
Separate from county of Missisquoi.  
General powers.

4. All *procès-verbaux*, resolutions, orders, lists, statements of dues, by-laws, ordinances, agreements, provisions, engagements, contracts and things done and consented to by the councils of the village of West Farnham and of the said town of Farnham, shall continue to have their full and entire effect in the town of Farnham as if this act had not been passed, until such by-laws, agreements and contracts have been duly repealed, amended or fulfilled by the corporation of the town, and the corporation, as constituted under this act, shall, for all intents and purposes, succeed to and be substituted in all the obligations, rights, claims, privileges, actions and duties of the municipal councils of the village of West Farnham and of the said town of Farnham.

*Procès-verbaux, &c., continued.*

## SECTION II

## MUNICIPAL OFFICERS

Officers, &c.,  
continued in  
office.

5. The municipal officers and employees appointed by the town council shall remain in office during the good pleasure of the council, or until removed or replaced by the council.

## SECTION III

## BOUNDARIES OF THE TOWN AND WARDS

Limits of the  
town.

6. The municipality of the town continues to exist with its actual limits and boundaries, which shall be the following :

1. The limits of the town shall be the same as those of the village of West Farnham, with an additional extent of forty perches, French measure, commencing from the limits of the said village, and at all points of the said limits to extend the same distance of forty perches.

Division into  
wards.

2. The said town shall be divided into four wards which shall respectively be designated and known as ward number one, ward number two, ward number three, and ward number four.

Ward No. 1.

3. Ward number one shall include all that part of the town situated in and forming part of lots numbers forty-five and forty-six in the fourth and fifth ranges of the south side of the river Yamaska.

Ward No. 2

4. Ward number two shall include all that part of the town situated on lots numbers forty-three and forty-four of the fourth and fifth ranges of the south side of the said river.

Ward No. 3.

5. Ward number three shall include all that part of the said town situated on lots numbers forty-one and forty-two of the fourth and fifth ranges of the south side of the said river.

Ward No. 4.

6. Ward number four shall include all that part of the said town situated on lots numbers forty-one, forty-two, forty-three, forty-four, forty-five and forty-six of the fifth range on the north side of the said river.

Change in  
boundaries of  
wards.

7. The council of the town shall have full power and authority to revise and change, by by-law passed in the usual manner, the boundaries of the various wards of the town, if deemed necessary so to do, for the better

Annexation of  
territory.

administration of the affairs of the town ; provided always that it shall and may be lawful for any proprietor of land immediately adjacent or contiguous to the limits of the town, by means of a notice given by such proprietor to the municipal authorities of the town, and the consent of the said authorities signified by a by-law passed by them for such purpose, in the usual manner, to demand and obtain that the said property be included in the limits of the town, and

so on successively for other proprietors having property adjacent to the properties thus successively included in the limits of the town, as aforesaid, and upon such property being declared to be included by by-law, as hereinabove provided, the said proprietors, whose properties shall be included within the limits of the town, shall have and possess all municipal privileges, and shall be subject to all the by-laws, obligations, duties and charges imposed upon the persons and property originally included within the limits of the town.

## SECTION IV

## TOWN COUNCIL

8. Article 4194 of the Revised Statutes is replaced by the following, for the town :

R. S., 4194,  
replaced for  
town.

There shall be elected, from time to time, in the manner hereinafter provided, an elector to be called "the mayor of the town of Farnham," and six competent persons, to be and who shall be called, "the councillors of the town of Farnham"; such mayor shall be elected by the majority of votes taken in the whole town, and such councillors by the majority of the votes of the electors of each respective ward, to wit: one for ward number one, three for ward number two, one for ward number three, and one for ward number four; and such mayor and councillors elected shall form the council of the town, and shall be designated as such; the quorum shall be four.

Mayor.

Councillors.

Election of  
mayor and  
councillors.

Quorum.

9. Article 4216 of the Revised Statutes is replaced by the following, for the town :

R. S., 4216,  
replaced for  
town.

No person shall be elected mayor unless he can read and write, nor shall any one be elected mayor or councillor unless he is of full age of majority and is a British subject, and unless he shall have resided and kept house in the town, during one year next preceding such election and resides therein while in office, and unless he is possessor as proprietor in his own name or in that of his wife, of immovable property in the said town, of the value, according to the valuation roll in force, after deduction of all charges, claims and mortgages thereon, of \$400 for the office of councillor and \$1,000 for that of mayor, and, on taking oath, the mayor and councillors shall file a written declaration with the secretary-treasurer specifying the real estate in virtue whereof they are qualified.

Qualification  
of mayor and  
councillors.

10. Article 4195 of the Revised Statutes is replaced by the following, for the town :

R. S., 4195,  
replaced for  
town.

The town council shall consist of a mayor and of six councillors elected for two years.

Composition  
of council.

R. S., 4196,  
replaced for  
town.

Term of office  
of mayor and  
councillors.

**11.** Article 4196 of the Revised Statutes is replaced by the following, for the town :

The present mayor and councillors of the town and the persons replacing those who go out of office, remain in office and continue to manage and administer the affairs of the town until the entry into office of their successors.

Pro-mayor.

**12.** At the first session of the months of February and August of each year, the council shall appoint one of the councillors to perform the duties of pro-mayor during the following six months when the mayor is absent, sick or otherwise unable to act and to perform such duties ; and, during any vacancy in the office of mayor, the councillor so appointed pro-mayor shall have and exercise, when necessary, all the powers, authority and privileges with which the mayor is by law invested.

## TITLE II

### MUNICIPAL ELECTIONS

#### SECTION I.

#### MUNICIPAL ELECTORS.

R. S., 4227,  
replaced for  
town.

Qualification  
of electors.

**13.** Article 4227 of the Revised Statutes is replaced by the following, for the town :

Every person is a municipal elector, and as such is entitled to vote at the election of mayor and of councillors, and to exercise all the rights and privileges conferred upon municipal electors by the provisions of this act, who at the moment he exercises such rights or privileges shall fulfill the following conditions :

1. Is of the full age of majority and a British subject :
2. Has possessed for four months in the municipality in his own name or in the name of his wife, as shown on the valuation roll in force, as revised, real estate to the value of at least one hundred dollars \$100 ;
3. Has possessed for six months as resident tenant either under a farm or other lease, or as occupant under any title whatsoever, of real estate to the annual value of at least twenty dollars ;
4. Co-proprietors, co-tenants or co-occupants of real estate, when such estate is valued at an amount sufficiently high to allow of each one's share giving the electoral qualification as aforesaid ;

5. All other persons who may be taxed for the benefit of the municipality directly, for a sum of at least one dollar per annum ; provided they have resided in the town for six months ;

6. Electors must have paid all taxes and municipal or school dues on or before the fifteenth day of December previous ;

7. All electors must be entered on the electors' list ;

8. Persons entitled to vote at municipal elections as aforesaid shall vote in the particular wards wherein they own real estate qualifying them to vote ; tenants, occupants and other electors shall vote in the ward in which they reside at the time of their qualification.

#### SECTION II.

##### ELECTORAL LIST

14. Article 4515 of the Revised Statutes is replaced by R. S., 4515, the following, for the town : replaced for town.

Between the fifteenth and the twenty-fifth days of December in each year, the secretary-treasurer shall make out for each ward of the town an alphabetical list of the names of the persons who, according to the books of the corporation and the lists supplied by the secretary-treasurers of schools within the limits of the town, appear to have paid all taxes and municipal and school dues on the fifteenth day of December inclusively, and who, according to the valuation rolls in force and the special lists, or in conformity with the requirements of this act, appear to be electors. When list to be made.

The decision of the revisors shall be final and without appeal. No appeal.

#### SECTION III.

##### HOLDING OF ELECTIONS

15. Article 4232 of the Revised Statutes is replaced by R. S., 4232, the following, for the town ; replaced for town.

The municipal elections of the town shall be announced by public notice in French and English, posted up during the eight previous days in the meeting room of the said council, and at the post-office, and at the door of the parish church ; and such notice shall be signed by the mayor and secretary-treasurer of the council and shall state the date, place and hour at which such election and nomination shall be held in each ward of the town. Notice of elections.

16. The mayor of the town shall be elected by the majority of the votes of all the electors of the town qualified as aforesaid, recorded in the place designated by the town council and indicated in the notice above-mentioned. Election of mayor.

R. S., 4238  
and 4239, re-  
placed for  
town.  
Proclamation  
of candidates  
elected.

**17.** Articles 4238 and 4239 of the Revised Statutes are replaced by the following, for the town :

If, one hour after the opening of the meeting, but one candidate is nominated for the office of mayor, he shall be declared elected by acclamation, and, if there be but the number of candidates for the office of councillor equal to the number to be replaced, they shall be declared elected in the same manner. In the contrary case, voting shall take place according to law.

Voting.

R. S., 4229,  
replaced for  
town.

**18.** Article 4229 of the Revised Statutes is replaced by the following, for the town :

Time for elec-  
tions. i

Nominations  
and polling.

General elections shall be held annually during the month of January. The nomination shall take place between ten and eleven o'clock in the morning of the third Monday of January, and the polls, when necessary, shall be held on the fourth Monday of the same month, at nine o'clock in the morning, closing at four o'clock in the afternoon. The nomination of the mayor and councillors shall be made in the meeting room of the town-hall.

If day fixed,  
holiday.

**19.** If such day be a non-juridical day, the nomination or polling shall take place on the following juridical day.

Retiring of  
certain coun-  
cillors by  
drawing of  
lots.

**20.** Of the six councillors elected at the elections in January, 1900, three shall go out of office at the elections in January, 1901, and lots shall be drawn in the manner indicated by the council, in the course of the month of December, at a meeting of the said council, to decide which councillors shall go out of office, and in subsequent years the election of the three older councillors or of their substitutes shall take place.

Duty of pre-  
siding officer if  
council ne-  
glects to draw  
lots.

**21.** In the event of the council neglecting to proceed to the drawing of lots, the presiding officer shall proceed publicly to do so, on the day when the councillors are nominated, after the opening of the meeting.

#### SECTION IV

#### VOTING

R. S., 4240,  
4241, 4243 to  
4245, 4249, to  
4270, replaced  
for town.

**22.** Articles 4240, 4241, 4243, 4244, 4245, 4249, 4250 to 4270 of the Revised Statutes are replaced by the following, for the town :

Voting to be  
by ballot for  
mayor and  
councillors

Elections of the mayor and of the town councillors, whether general or partial, shall be by ballot, and the principles of the Quebec Election Act, as set forth in articles 292 to 416, inclusively, of the Revised Statutes, shall apply to

such elections, *mutatis mutandis*, and shall govern them as and law applicable thereto. well as all matters connected therewith, not specially mentioned in this act.

The form of oath shall be as follows:

#### SCHEDULE A

“ You swear that you are (*name, residence and occupation of the elector as recorded on the list*), whose name is entered on the list of electors now shewn you (*exhibiting the list to the elector*): that you are aged twenty-one years or over and a British subject; that you have not previously voted at this election; that all your taxes, assessments and municipal and school dues now exigible, both in your own name and in that of your wife, have been paid, in accordance with the prescriptions of the law and of the by-laws of the town, on or before the fifteenth December last, and that you have not received anything nor has anything been promised you, either directly or indirectly to induce you to vote at this election. So help you God.” Form of oath.

**23.** Nevertheless, the council shall, by by-laws duly passed, from time to time, have power to alter the details of the procedure in the manner of conducting the elections and of receiving the ballot-papers, provided that in so doing it does not enact any provisions conflicting with the principles of the said articles. Modification of details in procedure respecting elections.

**24.** The council may also incorporate in such by-laws all amendments to such articles which may be made by the Legislature, and they shall read as forming part of this act. Amendments made by the Legislature.

**25.** In applying the said articles to the elections held under this act the words: “returning officer,” shall mean “presiding officer,” and the words: “deputy-returning officer,” shall mean “deputy-presiding officer,” or the person in charge of any poll, and the words: “clerk of the Crown in Chancery,” shall mean the secretary-treasurer of the town. No publication in the newspapers of the town shall be necessary, nor shall any money or deposit be required. Interpretation of certain words in election act.

The nomination may be signed by ten electors only.

Nomination-paper.

**26.** Contestations of elections shall be effected under the general law governing towns, and can be taken only before the circuit court for the county of Missisquoi sitting for the town of Farnham. Contestations of elections.

## TITLE III

## POWERS OF THE COUNCIL

## SECTION I

## GENERAL PROVISIONS

R. S., 4373,  
replaced for  
town.

Extent of  
jurisdiction  
of council.

**27.** Article 4373 of the Revised Statutes is replaced by the following, for the town :

The council has jurisdiction within the limits of the town, and the same extends to all matters concerning decency and good morals as well as the public peace and good order to fifteen arpents outside the town, except in special cases where more ample authority may be conferred upon it by this act.

R. S., 4305,  
amended for  
town.

Examination  
of applica-  
tions, &c., by  
committees.

**28.** Article 4305 of the Revised Statutes is amended by adding the following paragraph, for the town :

All applications, petitions and resolutions connected with the affairs of one of the said committees shall be submitted for examination and approval of such committee, which shall report its decisions to the council as soon as possible thereafter ; but it shall always be lawful for the council to adopt, modify, or reject the reports of the committees.

R. S. 4327, §  
4, amended.

**29.** Paragraph 4 of article 4327 of the Revised Statutes is amended, as regards the town, by adding the following thereto :

Approval of  
appointment  
of assistant-  
secretary-  
treasurer.

No one can act as assistant secretary-treasurer until his appointment has been approved by resolution of the council.

R. S. 4329,  
4330 and 4332,  
replaced for  
town.  
Security of  
secretary-  
treasurer.

**30.** Articles 4329, 4330, and 4332 of the Revised Statutes are replaced for the town, by the following :

The security of the secretary-treasurer for the faithful fulfillment of his duties shall be two thousand dollars, and consists in a guarantee insurance policy from a company approved by the council, the premium whereof may be paid by the town out of the secretary-treasurer's salary.

Fiscal year.

**31.** The fiscal year for the town runs from the first of January in one year till the last day of December in the same year, and, during the said month of January, the secretary-treasurer must lay before the council a general statement of the receipts and expenditure of the year, a statement of the sums of money, fines and taxes due to the town, and a statement of its assets and liabilities, together with a certificate of the auditors, attesting the accuracy of the statements.



**32.** The auditing of the accounts mentioned in article 4352 of the Revised Statutes must be done for the town during the first fifteen days of the month of January in each year.

Auditing of  
accounts.

## SECTION II

### POWER TO PASS BY-LAWS

**33.** In addition to the powers set forth in the town corporations' general clauses' act, the council of the town may make, amend, repeal or replace by-laws or resolutions for each of the following objects :

Power of  
council to  
pass by-laws  
respecting :

1. To punish and arrest on view any persons infringing the municipal by-laws ; Punishment of offenders ;
2. To prevent trotting or racing over bridges ; Trotting, &c. ;
3. To prohibit pipes on roofs, and determine in certain cases the materials to be used for roofs ; Pipes on roofs, &c. ;
4. To suppress games of skill, hazard or athletic games, or authorize the same by license ; Games of skill, &c. ;
5. To regulate wood- and coal- yards or depots ; Wood-yards, &c. ;
6. To prevent sweepings, filth and dirt from being thrown into the streets or water-courses, or on the side-walks or public places, and order their removal ; Sweepings, &c., on streets ;
7. To regulate the construction of privies, cellars, drains, ovens and steam-engines of all factories or work-shops ; Privies, &c. ;
8. To cause all hotels or other places where intoxicating liquors are sold to be closed on municipal election days and on Sundays and at certain hours of the night on other days ; Hotels, &c. ;
9. To prevent drunkenness by all possible and proper means ; Drunkenness ;
10. To prevent the sale of intoxicating liquor to children, apprentices or domestics ; Sales of liquor ;
11. To order the removal of signs from unlicensed houses and to regulate all signs ; Signs, &c. ;
12. To prevent stables, sheds, latrines or other similar buildings from being erected on any lot within the town at a distance of less than thirty feet from the street and to remove all existing buildings if not at that distance, after indemnifying the proprietor ; Stables, &c. ;
13. To order, if necessary, that telegraph or telephone wires be laid under ground in certain places so as to prevent the obstruction of the streets, as soon as the corporation shall have supplied the necessary conduits ; Telegraph poles, &c. ;
14. To regulate the manner in which awnings shall be put up and compel the owners thereof to remove them ; Awnings. ;
15. To order the removal of all flags, signs or other things used as such, trespassing on the public roads, suspended or put up in such manner as to be a source of accident to foot passengers ; Flags, &c. ;

Removal of  
houses  
through  
streets ;

16. To prohibit the transport or removal of houses or buildings through the streets of the town without special permission from the council, the payment of such compensation as the town may exact, and such stipulations with respect to damages as may be agreed upon ;

Rebuilding  
inside line of  
streets.

17. To prevent any proprietor from rebuilding a demolished house on the lot which it occupied beyond the line of a street or public square, provided that the council shall, within one year, take proceedings in expropriation to acquire such portion of the lot encroaching on the street.

Council may  
purchase  
land en-  
croaching on  
street.

The council may purchase that portion of the lot which encroaches on the street, with the view of widening the said street or compel the owner to dispossess himself of the same for the same purposes in consideration of a sufficient indemnity.

#### SECTION III

#### SEWERS

System of  
sewerage may  
be organized.

34. To organize a system of sewerage for the town ; to assess proprietors of real estate for the payment of the cost of making a common sewer in any street wherein such proprietors own property, including the connections between such common sewer and the private drains of the proprietors, and regulate the manner in which the assessments shall be levied, either on the frontage of such property or otherwise, as well as the manner in which the cost of making and repairing such work shall be borne and paid by means of the assessments levied on the proprietors benefiting thereby, provided that a delay of three months be granted for the payment of one-half of such assessments and six months for the other half.

Private  
drains.

To fix the time when private drains shall be made and determine the manner in which, and the materials whereof they shall be made, the town constructing the common sewer and the proprietors or occupants being bound to make and establish connections at their own expense, under the supervision of an officer appointed by the corporation, on the initiative and in the discretion of the council.

#### SECTION IV

#### ASSESSORS AND VALUATION ROLL

Assessors.

35. The council shall have power to appoint three assessors at the beginning of each period of three years.

Their duty.

It shall be the duty of the assessors to make the valuation of the immoveables according to their real value, within the delays determined by the council.

In proceeding to value such properties, they shall also **To value prop-**  
~~estimate~~ the annual value of each of them, and moreover of **erty that may**  
~~every~~ portion of the property susceptible of being leased or **be leased.**  
~~occupied~~ separately.

**36.** On the order of the council, the assessors shall, every **Estimate val-**  
 year, likewise estimate the annual value of the real estate or **ue of property**  
 portions thereof, the value whereof has been increased by **increased or**  
 buildings, additions or improvements or diminished by the **diminished in**  
 total or partial destruction of the buildings thereon erected. **value.**

They shall report such changes in the annual value to **Report &c.,**  
 the council, which shall order the secretary to make the **to council**  
 necessary corrections in the valuation roll in force as well **changes in**  
 as in the assessment rolls for the current year. **value.**

**37.** The valuation of real estate shall be made every three **When and**  
 years, and may be made separately for each of the wards of **how valuation**  
 the town. **of real estate**  
**is to be made.**

**38.** The list of tenants, of moveable effects and of persons **List of ten-**  
 and animals liable to taxation in the town shall be made **ants, &c., lia-**  
 annually, on an order of the council, by the person designated **ble to taxa-**  
 by it to that effect ; such list shall to all intents and purposes **tion.**  
 be deemed an extension of the valuation roll.

#### SECTION V

#### SIDEWALKS

**39.** To change, from time to time, as the council may deem **Maintenance**  
 more expedient, the mode of maintaining and constructing **and construc-**  
 sidewalks, by causing the cost or charges thereof to be borne **tion of side-**  
 either by the proprietors or by the corporation. **walks.**

If the council constructs and maintains the same, it may, **Taxes for that**  
 if necessary, levy a special assessment upon the parties in- **purpose, &c.**  
 terested or a general assessment for that special purpose  
 with, in addition, ten per cent. to cover the costs and losses  
 in collection.

**40.** When there is a sidewalk only on one side of a street, **Cost of con-**  
 the council may cause the cost of the construction and main- **struction, &c.**  
 tenance of the same to be borne by the proprietors or occu- **on one side of**  
 pants on both sides of the street, each in proportion to the **street only.**  
 extent of his lot.

**41.** When the council is not responsible for the con- **Sidewalks not**  
 struction and maintenance of the sidewalks in the town, in **at the charge**  
 whole or in part, it shall regulate and determine by what **of the council.**  
 persons, when, and in what manner, of what dimensions  
 and materials and where the sidewalks in the streets, parts  
 of streets or public squares of the town shall be made,  
 placed or repaired.

Directions to be followed in making sidewalks.

Removal of sidewalks not so made.

R. S. 4463, replaced for town.

Removal of snow, &c., from sidewalks.

Tenants of Government property, &c., bound to make, &c., sidewalks.

Work to be done by inspector in case of refusal of proprietors.

Limit of cost.

Order of council required if it exceeds certain sum.

When exigible and how collected.

**42.** No person shall make a sidewalk in front of his property without following the directions of the town inspector in accordance with the by-laws determining how and in what manner such sidewalks shall be made.

In default thereof the council may make, take up and remake such sidewalk, if it be necessary to remove injurious irregularities.

**43.** Article 4463 of the Revised Statutes is replaced for the town, by the following :

The council may compel every proprietor or occupant of land to remove, in whole or in part, ice, snow or water from the sidewalks skirting such lot, within a specified delay and in the manner indicated by it.

**44.** Occupants of lots belonging to the Federal or Provincial Governments and to corporations, institutions or *fabriques*, whose properties are not liable to or are exempt from taxation, are bound to make and maintain sidewalks in front of the properties they occupy, and are liable for all taxes, apportionments or assessments imposed for such works, as being personal taxes upon such occupants authorized by this special provision, where the sidewalks are at the charge of the proprietors.

**45.** In the event of refusal or neglect on the part of the proprietor or occupant to perform the prescribed work on the roads, streets and sidewalks, the town inspector may, after having caused a verbal or written notice to be given by one of the officers of the council to the person in default, have the work done at the expense of the person in default. Nevertheless, the cost of the work performed and of the materials supplied shall not exceed five dollars each year, for each lot liable to such work.

If the cost of the work to be done exceeds five dollars, the inspector must obtain an order from the council before having such work done.

In either case, the cost shall be exigible without delay on the mere production of a detailed statement, and the amount shall be recovered in the same manner as ordinary taxes, with privilege and hypothec on the land subject thereto, without prejudice to the fines and damages incurred.

#### SECTION VI

#### APPROVAL OF ELECTORS WHO ARE PROPRIETORS REQUIRED FOR CERTAIN BY-LAWS

Approval by-laws by electors.

**46.** Every by-law, which must be submitted to the electors who are proprietors, must, before coming into force, be approved by three fourths in number and in real value of such electors who are proprietors.

The approval or disapproval of the by-law is determined by the majority in number and in real value of those electors only who are proprietors who have voted. How majority is determined.

**47.** Any such by-law must be submitted for the approval of the electors within thirty days after the council has passed the same. Delay to submit by-law for approval.

**48.** When a by-law of the council is submitted to the electors who are proprietors, the proceedings at the meeting held for such purpose and at the voting, if the same be necessary, are those hereinafter prescribed. Proceedings at meeting, &c.

**49.** The general meeting of the electors who are proprietors is convened at least eight days previously, by a public notice signed by the mayor, for a day fixed by the council, and is held in the town-hall, at ten o'clock in the forenoon. Convening of meeting.

**50.** The meeting is presided over by the mayor or pro-mayor. Presiding officer.

If both are absent or unable to act, the secretary-treasurer appoints one of the councillors to preside. Idem.

The secretary-treasurer acts as secretary, reads the by-law and submits it to the meeting. Secretary.

**51.** If more than one hour elapses after the meeting is opened, without a poll being demanded by the number of electors hereinafter required, the by-law is deemed to be unanimously adopted by the rate-payers interested. If poll not demanded within certain time.

**52.** Six electors who are proprietors, present and qualified to form part of such meeting, may require the holding of a poll to ascertain whether the by-law is approved or disapproved. Demand for holding poll.

On such demand, the mayor or other person presiding the meeting shall, at once, grant such poll, which is then and there opened and held up to four o'clock in the afternoon of the same day, and on the following day from ten in the morning until four in the afternoon. Duty of presiding officer in such case.

**53.** The mayor or other person presiding may absent himself during the holding of the poll, on being represented by a member of the council. Replacing of presiding officer.

**54.** Each elector comes forward in his turn and votes by "yea" or "nay"; the word "yea" signifying his approval of the by-law, and the word "nay" his disapproval thereof. Voting.

The name of the elector and the vote given by him are entered in a special book kept for the purpose by the secretary-treasurer. Entry of electors' names and votes.

Who may  
vote.

**55.** No one is allowed to vote on such by-law, unless his name is entered on the valuation roll in force as a proprietor, and unless, at the time of giving his vote, he has paid all municipal dues, due and payable, either by him or his wife, and he must, if required, show a certificate of payment of such dues before being allowed to vote.

When a proprietor cannot vote.

**56.** No elector who is a proprietor shall vote, if the by-law submitted to the electors grants any privilege or benefit to himself personally, to the partnership, company or corporation of which he is a member or shareholder, or to any person, partnership or company whose agent or employee he is.

Voting closed in certain event.

**57.** If, after the poll has been opened, either on the first or the second day, one hour should elapse without a vote being recorded, the president must close the poll.

Counting of votes.

**58.** At the close of the poll, the mayor or the person presiding over the voting counts the "yeas" and the "nays."

Report to council.

At the first session after the polling, he submits to the council the result of the voting, together with a statement of the value of the taxable real estate of each voter, according to the valuation roll in force.

Certificate of result of voting.

**59.** The mayor and the secretary-treasurer must deliver to the council a certificate stating whether three-fourths in number and in value of the taxable real estate has approved or disapproved the by-law.

Examination of poll-books.

If the council wishes to examine the poll-books and the assessment roll, they shall be forthwith laid before it.

#### SECTION VII

#### SUBSIDIES

Other powers.

**60.** In addition to the powers conferred by articles 4404 and 4408 of the Revised Statutes, the council may also by by-law exercise the following:

Aid may be granted to certain establishments, &c.

Aid one or more persons or companies, as it may deem expedient, having already established or proposing to establish any industry or manufacture in the town, by lending money or by granting bonds or subsidies in money or in real estate, on such conditions and with such guarantees as it may deem expedient, provided such by-law be submitted and approved as required by section sixth of this title.

Recovery of amount given, if conditions not carried out.

**61.** In cases where those who have received a subsidy from the town do not comply or cease to comply with the conditions and guarantees stipulated in the by-law, the council may recover the amount of the loan or subsidy so granted,

or its value, by privilege upon the moveables and immoveables of the manufacturers or companies, as in the case of a municipal tax and with the same priority, unless it specially renounces such privilege.

**62.** Articles 4479 and 4559 of the Revised Statutes are excluded from this act.

R. S., 4479 and 4559 not to apply to town.

## TITLE IV

### TAXATION

#### SECTION I

#### EXEMPTIONS FROM TAXATION

**63.** Article 4500 of the Revised Statutes is replaced, for the town, by the following :

R. S., 4500 replaced for town. Property exempt from taxation.

The following property is exempt from taxation :

1. All lands and property belonging to Her Majesty, Her heirs and successors, or held by any public body, office or person in trust for the service of Her Majesty, Her heirs and successors ;

2. All Federal or Provincial property and buildings ;

3. Every place of public worship, bishop's palace, presbytery, parsonage or manse, and their dependencies, and burying ground ;

4. Every public school-house and the grounds on which the same is constructed ;

5. Every educational establishment subsidized by the state or by the town, and the grounds on which the same is constructed, and all libraries gratuitously opened to the public ;

6. All buildings, ground and property occupied or possessed by hospitals or other charitable or educational establishments ; but property in the possession of religious, charitable, or educational establishments, for purposes of revenue, shall not be exempt from taxation ;

7. Every court-house or gaol, and the grounds attached thereto.

The said exemption shall not, however, extend to lots, or to buildings built upon lots, in the town, leased or occupied by tenants under the Government ; and such lands belonging to the Government and occupied by tenants, shall be valued and assessed in like manner as other real property ; and such rates or assessments shall be paid by the tenants or occupants thereof, as expressly assessed upon them personally, and the occupants who pay no rent shall be subject to the tax imposed on tenants and occupants.

Restriction.

Proviso re-  
specting  
§§ 3, 4, 5, 6  
and 7.

The proprietors and occupants of the property mentioned in paragraphs 3, 4, 5, 6 and 7 shall, nevertheless, be bound for the works of making and maintaining roads, streets, water-courses, ditches, drains, sidewalks, water supply and lighting, according to the by-laws, and shall be liable for all special taxes for such purposes and for the compensation for the use of water.

#### SECTION II

##### POWER TO TAX

Power to levy  
taxes for ex-  
penses of ad-  
ministration.

**64.** The council shall have power to levy, by direct taxation upon all taxable property or only upon taxable real estate in the town, all sums required to meet the expenses of administration and to pay the debts or for any special object whatever within the limits of the council's power.

Tax for par-  
ticular work.

**65.** The council shall also have power to levy, by means of direct taxation upon all taxable property or only upon the taxable real estate of the persons who, in the opinion of the town council, are interested in a public or private work under the direction of the council and who benefit by such work, any sum of money necessary for the construction and maintenance of such work.

Power to levy  
annual taxes  
for certain  
purposes.

**66.** In order to realize the amounts required for expenses of administration, to provide for improvements and to meet the obligations of the town, the council may levy, annually, upon persons and moveable and immoveable property in the town, all general or special taxes, contributions, licenses or other imposts as hereinafter provided.

#### SECTION III

##### CONFIRMATION OF CERTIFICATES

R. S., 4414,  
replaced for  
town.  
Granting, &c.  
of certificate  
for obtaining  
license.

**67.** Article 4414 of the Revised Statutes is replaced, for the town, by the following:

The council shall have the right and power by by-law, to fix and exact an annual sum not exceeding \$200 payable in advance to the corporation, from any person applying for the same, for the granting or confirmation of each certificate for obtaining a license for a hotel, inn, saloon, tavern, restaurant, house of public entertainment, for the sale of wines, spirituous and alcoholic liquors, and a sum not exceeding \$200.00 for the granting or confirming of each certificate for obtaining a license for a wholesale or retail liquor store or a temperance hotel, and to prevent transfers of licenses; determine under what restrictions and conditions and in what manner transfers shall be accepted by the



revenue collector and exact the payment of a duty not exceeding twenty dollars, to the council, before the approval of such transfer.

**68.** The council alone shall continue to have the right to grant and deliver certificates for obtaining licenses for taverns, hotels, restaurants and shops, notwithstanding any law, usage or municipal by-law to the contrary, and to govern and control all shop-keepers, tavern-keepers and persons selling spirituous, vinous or fermented liquors by retail in any place whatsoever, as it may deem expedient and necessary for the prevention of drunkenness and the maintenance of good order.

Exclusive right of council to grant such certificate.

#### SECTION IV

#### PROFESSIONAL TAX

**69.** Upon every person habitually practising, in the town, the profession of advocate, physician, notary, surgeon, dentist, veterinary surgeon, oculist, aurist, surveyor, architect, civil engineer, bailiff, druggist, druggist's clerk or any other profession, or acting as clerk of any court whatever, or as a provincial official or civil service employee, a sum not exceeding five dollars.

Tax upon certain professional men.

**70.** Every partnership formed for the practice of any of the professions, mentioned in the previous article, shall be responsible for the tax imposed upon each of the co-partners, without prejudice to the recourse against any of the co-partners for his respective share.

Responsibility of partnership for tax upon members.

**71.** The persons who are subject to the professional tax are bound to pay the same, even when they do not reside in the town, provided they hold an office therein.

Tax exigible even from non-residents

#### SECTION V

#### LICENSE OR TAX ON MOVEABLES

**72.** Upon the following moveables kept in the town :

Tax upon certain moveables :

1. Upon every stallion kept in or brought temporarily into the town for breeding purposes, a sum not exceeding ten dollars ;

2. Upon every horse, a sum not exceeding one dollar ;

3. Upon every pig and head of cattle, a sum not exceeding one dollar ;

4. Upon every dog, a sum not exceeding two dollars, and on every bitch, a sum not exceeding four dollars ; and in default of payment of the said tax, on demand by an officer of the corporation, the latter shall have the right to order that the animal be destroyed ;

5. Upon every summer or winter vehicle used for promenading, one dollar ;

6. Upon every bicycle or other similar vehicle, a sum not exceeding one dollar.

The person in possession of the animals and articles above-enumerated is deemed to be the owner thereof, and is taxed in consequence, saving his recourse against the real owner.

#### SECTION VI

#### TAXES ON TRADE

Tax upon  
stocks-in-  
trade.

**73.** Upon all stocks-in-trade or goods kept by merchants and traders and exposed for sale or kept in any place whatsoever, a tax not exceeding twenty cents per hundred dollars of the average value of such stock of merchandise ; each trader to pay not less than five dollars.

License re-  
quired to sell  
bankrupt  
stock, &c.

**74.** The council shall also have power to compel all persons coming into the town to sell goods belonging to a bankrupt or other stock, articles of trade or other effects, either by auction or by private sale, or even a trader of the town selling by auction, to pay a duty or take out a license not exceeding one hundred dollars and also a duty not exceeding ten dollars for every day such sale lasts.

Recovery of  
cost of such  
licenses.

**75.** These licenses shall be paid on demand made by the secretary-treasurer or his delegate, and, if not paid, the amount thereof may be recovered by warrant, addressed to a bailiff, issued under the hand of the mayor as soon as such refusal or default of payment is established ; and the goods may be seized and sold for the payment of such licenses by such bailiff or other officer according to the same rules and with the same responsibilities and penalties as in the case of a writ of execution *de bonis* issued by the circuit court for the county of Missisquoi at Farnham, without prejudice to the fine and penalty for infringement.

#### SECTION VII

#### TAXES ON RENTS AND REVENUES

Tax upon ten-  
ants.

**76.** Upon all tenants paying rent in the town, an annual tax not exceeding five cents per dollar on the amount of the rent entered in the valuation roll or of the annual value of the property leased or occupied, this latter value being taken for the imposition of the tax ; provided, always, that the said annual tax shall be at least one dollar, that is to say, that each tenant shall pay at least one dollar per annum.

Such tax is likewise exigible from the occupant of a property, according to the estimated value of such property as shewn by the valuation roll.

**77.** Upon every person, receiving an annual salary, either by the piece or otherwise, of three hundred dollars and over, one dollar per hundred dollars or fraction of one hundred dollars over and above three hundred dollars, and, if he do not reside in the town, one dollar per hundred dollars of his salary or revenue, provided such person be not already taxed for a sum of four dollars per annum over and above his taxes on real estate. Tax upon salaries, &c.

#### SECTION VIII

#### LICENSES OR BUSINESS TAXES

**78.** All persons desirous of carrying on, or who are carrying on, in the town, the trade of peddler or itinerant merchant selling wares of any kind ; all proprietors, owners, agents, directors and occupants of theatres, circuses, shows, menageries or other similar exhibitions, billiards, bowling alleys or other games of any kind, and all auctioneers, grocers, bakers, butchers, and all persons dealing in fresh meat or bringing fresh meat to be sold or delivered in the town ; all bottlers of intoxicating liquors, all hucksters, hawkers, brewers, distillers, manufacturers and dealers in soda water, ginger beer and champagne cider ; all traders, manufacturers and their agents ; all owners, keepers of lumber or fire-wood-yards ; all owners or keepers of coal-yards and slaughter-houses, hotel and restaurant keepers, commission merchants, owners of grist-mills, livery-stables, boarding houses ; all persons carrying on the business of printing ; all undertakers ; all jewellers, tanners, shoemakers, cabinet-makers, milkmen, tinsmiths, plumbers, tailors, photographers, dressmakers, builders ; all agents of fire, accident and life insurance companies, whether they reside in the town or not and who carry on business or temporarily take risks therein ; all persons who are or are not traders and who purchase goods brought into the town, or the market, or elsewhere, for the purpose of re-selling the same ; all money-changers, exchange-brokers, pawn-brokers and their agents ; all bankers and agents of bankers and of banks and, in a word, all traders, manufacturers or artisans who have carried on or may carry on or introduce in the town any trade or manufacture whatsoever, whether the same be or be not mentioned in this act ; all carters, owners and drivers of public vehicles, belonging to livery-stables or for the conveyance of loads in and for the town, and all persons residing without the limits of the town who ply the trade of carter or driver of public vehicles belonging to livery- Tax upon certain trades and callings.

stables or for the conveyance of loads in the town, and all itinerant merchants,—shall obtain a license from the council to that effect, and the amounts to be paid for obtaining such licenses shall be fixed and determined by a by-law or by by-laws of the council of the town, but shall not exceed seventy-five dollars, payable in the manner set forth in such by-law or by-laws.

Penalty on person exercising trade without license.

**79.** Every person who carries on business or exercises any industry, art or occupation in the town, as above set forth, without having previously obtained a license to that effect from the council, for every infringement is liable to a fine or penalty of not less than one nor more than fifty dollars, and in default of immediate payment an imprisonment not exceeding thirty days in the common gaol of the district of Bedford.

#### SECTION IX

#### BUSINESS TAX

Tax on telegraph, &c., companies.

**80.** Upon every electric telegraph, telephone or electric light or gas or power company or their special agents, and upon every person, firm or company supplying light, motive power or water in the town or any part thereof, upon all insurance companies doing business through their agents or otherwise, mutual societies or their branches and upon clubs, a sum not exceeding thirty dollars.

Taxes recoverable by distress warrant.

**81.** The taxes, specific fees for licenses imposed in virtue of this and the foregoing sections, may also be levied, if not paid on demand made by the secretary-treasurer or other municipal officer authorized by him, upon all the moveables and effects, even those exempt from seizure, found in the possession of any person, upon a distress warrant signed by the mayor or by a justice of the peace of the town and addressed to a bailiff of the superior court.

Sale of goods seized.

The moveables and effects shall be sold by such bailiff to an amount sufficient to pay the price of such license and costs in accordance with the rules prescribed by the Code of Civil Procedure for the execution of a writ of *pieri facias de bonis* issued from the circuit court, without prejudice to the penalty for infringement of the said by-laws and of this act.

Amount of tax and cost of licenses how fixed.

**82.** The amount of special tax or special duties for licenses and permits may be fixed by by-law, at the discretion of the council, for each class of persons, things, branches of business or trade, as far as possible in view of the business done and industries carried on or exercised or of the benefit derived from such moveables.

## SECTION X

## GENERAL PROVISIONS

**83.** The by-laws shall be entered at length in the minute book of the council. Registration of by-laws.

**84.** It shall be lawful for the council, at any time, to declare, by resolution, that rate-payers, who pay their taxes or municipal dues within a specified period, shall benefit by a reduction which the council shall determine. Discount on payment of taxes.

The secretary-treasurer shall give public notice of such resolution. Notice thereof.

**85.** Article 4542 of the Revised Statutes is replaced, for the town, by the following : R. S., 4542, replaced for town.

Taxes and municipal dues shall bear interest, at the rate of six per cent. per annum, from the expiration of the delay during which they ought to be paid, without its being necessary for such purpose that a special demand of payment be made upon the person owing the same. Interest on taxes.

Neither the municipal council nor its officers shall remit such interest. Shall not be remitted.

**86.** Article 4543 of the Revised Statutes is replaced, for the town, by the following : R. S., 4543, replaced for town.

All municipal dues and the interest thereon shall constitute a privileged debt exempt from the formality of registration : and, in the case of distribution of moneys by authority of justice, according to law, or by voluntary liquidation, such dues shall be collocated in preference to all other claims, both on the proceeds of the sale of moveables and of that of immoveables, next after the Crown. Municipal dues privileged and ranking thereof.

**87.** The amount of the specific duties for licenses and taxes, which the council may impose by this act, is fixed and determined by the council in its discretion, and may be imposed and levied either by the same by-law or by different by-laws, and is payable annually at the time fixed by the council. How amount of duties, &c., is fixed.

**88.** Whenever a tax is levied by resolution, it shall only be valid for the taxes so levied during the then current year. Taxes levied by resolution only valid for current year.

**89.** The special taxes or specific duties for licenses which are levied by by-law are imposed permanently, to be collected annually by the secretary-treasurer of the town as other taxes, at the time fixed by the by-law, without further municipal ordinance, until repealed or amended by by-law in the ordinary manner. Taxes imposed by by-law.

Levy of special taxes.

**90.** The special taxes or specific duties for licenses enumerated in this charter may, in the discretion of the council, be imposed and levied under the form of a license signed by the secretary-treasurer, and are then payable and executory annually at the time and under the conditions and restrictions fixed by the council, without its being necessary that any collection roll be made or that any notice or statement of account be sent to the person indebted, and the recovery thereof may be effected in accordance with articles 107 and 109 of this act and 4552 and following of the Revised Statutes.

Amount of tax, if business is commenced during the year.

**91.** Every person who, during the year, carries on or practises any kind of business or occupation, or does any act which renders him liable to the special tax, or specific duty for a license, is bound to pay the whole of the same whatever may be the time of the year at which they become due, unless the council remit any portion of such tax, on account of the short time to elapse before the end of the current year.

Proviso.

The council, however, cannot remit such tax or duty, except when the same would become due only during the last three months of the current year.

Signature to license and effect thereof.

**92.** Every license is signed by the secretary-treasurer, and gives the holder the right to practise or carry on his art, trade, profession, business or industry until the expiration of the time therein specified; but the council may, at its first sitting, cancel the same if it deem expedient by repaying the amount paid, without recourse or claim against the corporation.

Licenses not transferable.

**93.** No license granted shall be transferable by the owner thereof, except with the consent of the council.

Exhibition of license.

**94.** Every person who holds a license shall, at any time that he may be required by a municipal officer, exhibit his license, which must be kept conspicuously exposed to public view, in the principal place of business in the establishment of such person, unless such license be granted to a person who has no known place of business in the town, and in such case he shall carry it with him or on the article affected by such tax or duty as prescribed by the by-law imposing the same.

Payment by persons whose names are added to roll after completion.

**95.** Persons whose names have been added to the valuation roll after the collection roll has been prepared, must pay the annual tax, in the same manner as if their names had been entered when making the valuation roll.

**96.** The council may, by resolution, suspend any license under any of the provisions of this act for misconduct, incompetency or infringement of any by-law by the holder of such license, without repayment of the share belonging to the corporation. Suspension, &c., of license in certain cases.

**97.** The by-laws of the council shall be deemed public acts in the town; and judges and magistrates, as well as all other persons shall be bound to take cognizance thereof without its being necessary to plead them specially. By-laws, public laws, &c.,

**98.** With the authorization of the Lieutenant-Governor in council, obtained upon a petition to him addressed, the council may, in special and exceptional cases, order that the width of the roads and streets of the town shall be less than sixty-six feet. Streets may be less than certain width.

## SECTION XI

## COLLECTION OF TAXES

**99.** Article 4547 of the Revised Statutes is replaced, for the town, by the following: R.S. 4547, replaced for, and town.

Every year, at the time fixed by the council and as soon as the valuation roll is closed and homologated or amended, it is the duty of the secretary-treasurer to make a general collection roll of all taxes on real estate which are to be levied according to the said valuation roll and are imposed annually under this act by a resolution of the council. Collection roll.

**100.** Article 4550 of the Revised Statutes is replaced, for the town, by the following: R. S. 4550, replaced for town.

The general collection roll, mentioned in the previous article, is made at the date fixed by the council each year; and, at the expiration of the twenty days following its publication, the secretary-treasurer demands payment of all sums due and exigible as shewn on the said roll, by making out the account of each rate-payer indebted, according to the following form or any other of like tenor, and by sending such statement of account to each rate-payer by mail in a separate sealed envelope, prepaid and deposited in the post-office of the town by the secretary-treasurer or his assistant, and such deposit in the post-office shall be established on the oath of office of the secretary-treasurer or of his assistant. Collection roll when made. Demand of payment of taxes.

## FORM

PROVINCE OF QUEBEC,  
Office of the secretary-treasurer }  
of the town of Farnham.

Mr.

To the town of Farnham

Dr.

Assessment on the following properties belonging to you : Nos. , under by-law of the

Tax on your , under  
by-law of the

(And so on for each item and each year.)

SIR,

You are hereby notified that, having failed to pay the amounts mentioned in the foregoing statement, within the twenty days following the publication of the general collection roll, which was made on the , you are hereby required to pay the above amount to me, at my office, before the day of the month of 189 .

Town of Farnham,

189

Secretary-treasurer.

R. S. 4551,  
replaced for  
town.  
Seizure and  
sale of move-  
ables for un-  
paid taxes.

**101.** Article 4551 of the Revised Statutes is replaced, for the town, by the following :

After the fifteen days following the deposit in the post-office of the statement of account mentioned in the foregoing article, the town may recover what is due to it by a suit before the circuit court in and for the county of Missisquoi at Farnham, or by means of the seizure and sale of all the moveables and moveable effects of such person which are within the municipality.

Seizure by  
garnishment  
for unpaid  
taxes.

**102.** It shall be lawful for the corporation to levy all taxes, assessments, dues or debts by means of a writ of attachment by garnishment effected by means of a writ under the hand of the mayor ordering the garnishees not to dispossess themselves of the moveable effects or money in their possession belonging to the debtors until otherwise ordered by the court, and ordering them, as well as the



debtors, to appear before the circuit court on the day specified ; and proceedings shall be had upon such writ, in accordance with the provisions of the Code of Civil Procedure, before the said court at Farnham.

**103.** Articles 4548, 4549, 4550 and 4551 of the Revised Statutes shall not apply to the town.

R. S., 4548 to 4551, not to apply to town.

**104.** Article 4490 of the Revised Statutes is replaced, for the town, by the following :

R. S., 4490, replaced for town.

The special tax and compensation, which may be imposed and established by articles 4486 and 4488 of the Revised Statutes, shall be due, exigible and executory under the terms of the by-law or by-laws imposing them, without its being necessary that a collection roll be made or that notices and detailed statements be sent to those who take the water ; and the corporation may shut off the water from any person who does not comply with the said by-laws. The recovery of such special tax and compensation may be effected in the same manner as in the case of licenses.

Collection of tax and compensation for water.

## TITLE V

### EXECUTION OF THE BY-LAWS

**105.** The council may, in order to assure the execution of the by-laws, enact the imposition of punishment by fine, with or without costs, or imprisonment with or without hard labor, and itself determine, in the by-laws, in an absolute or discretionary manner, the amount of the fine and the period of imprisonment ; and, if the fine is imposed with or without costs, it may order the imprisonment in default of the immediate payment of the said fine and costs.

Penalty for infringement of by-laws.

If the by-law does not impose the penalty in an absolute manner, such punishments are inflicted in the discretion of the court ; but the fine cannot in any case be less than one dollar nor more than one hundred dollars, with or without costs, and the imprisonment less than one day nor more than three months, with or without hard labor.

Penalty in the discretion of the court in certain cases.

**106.** If the infringement of this act or of any by-law continue, it constitutes, day by day, a separate offence, and the penalty decreed for such infringement may be inflicted for each day such infringement lasts.

Penalty for continuous infringements.

**107.** Whenever a person is prosecuted for drunkenness or is arrested on view or upon information by a constable of the town for an offence against the provisions of this act or of a by-law, it is not necessary that the complaint be drawn up in writing ; but a complaint on oath before the judge or court by the constable who has effected the arrest is considered a sufficient complaint.

Certain complaints need not be in writing.

To be in writing, if required.

If the defendant ask that the complaint be reduced to writing, the court orders the clerk to do so.

R. S., 4597, replaced for town.  
Notes of evidence.

**108.** Article 4597 of the Revised Statutes is replaced, for the town, by the following :

It is not necessary that the depositions of the parties or witnesses be reduced to writing. Should the defendant require it, he shall make a deposit to secure the payment thereof, and the costs thereof shall form part of the costs in the case.

Notes of proceedings.

Notes of the proceedings written on the margin or on the back of the original of the writ or warrant shall be deemed sufficient proof.

Members, &c., of council competent witnesses.  
Proof of the accomplishment of formalities not necessary.

**109.** Any officer or member of the council may be a competent witness in any suit heard and decided under this title.

**110.** In suits, proceedings or complaints by the corporation or by any person for infringement of the provisions of a by-law of the council, it is not necessary to allege nor to prove that the formalities required for the passing of such by-law have been observed ; until the contrary be proved such formalities shall be presumed to have been fulfilled.

Manner of levying fine imposed upon a corporation.

**111.** Whenever a fine has been incurred by a corporation, association or society recognized by law, such fine and costs may be levied by seizure and sale of the goods and effects of such corporation, association or society, under a writ of execution issued in the usual manner ; proceedings shall be had on such writ in the manner prescribed for writs of seizure and execution issued from the circuit court.

R. S. 4592, replaced for town.  
Provisions applicable to prosecutions before justices of the peace, &c.

**112.** Article 4592 of the Revised Statutes is replaced, for the town, by the following :

In default of special provisions to the contrary, the prosecutions taken before the mayor or a justice of the peace under this act shall be heard and decided according to the ordinary rules of procedure respecting summary orders and convictions contained in part LVIII of the Criminal Code, 1892, in so far as the same is not inconsistent with the provisions of this act.

Proceedings how taken.

**113.** Proceedings may be taken against an offender either by writ of summons or by warrant of arrest.

R. S., 4596, replaced for town.  
Returns of service.

**114.** Article 4596 of the Revised Statutes is replaced, for the town, by the following :

Returns of service are made by the bailiffs or constables under their oath of office.

**115.** In every suit, prosecution or complaint brought before the mayor, or a justice of the peace, it is not necessary to specify or recite the provisions of the law, or of the by-law in virtue whereof such suit, prosecution or complaint is brought, but it suffices to set forth that it is brought in virtue of the law or of the by-law passed to that effect.

Allegations  
not required  
in suits, &c.

## TITLE VI

### LOANS

**116.** Article 4523 of the Revised Statutes is replaced, for the town, by the following :

R. S., 4523,  
replaced for  
town.

The council of the town may, from time to time, borrow various sums of money for making improvements in the town, for paying its debts or for effecting the conversion and consolidation of its debt, and, generally, for all objects within its jurisdiction ; and every by-law authorizing a loan shall be submitted to the votes of the electors who are property owners and must be adopted by three-fourths in number and in value of the votes actually recorded.

Power to bor-  
row for cer-  
tain purposes.

## TITLE VII

### EXPROPRIATIONS

**117.** In addition to that which is enacted in the town corporations' general clauses' act, it is enacted as follows :

Proceedings  
in expropria-  
tion.

1. If the owner of the property expropriated refuses or neglects, for more than eight days, to appoint an arbitrator, after having received a copy of the resolution of the council to that effect or a demand to appoint such arbitrator, then the arbitrator of the corporation, together with the one appointed by the court, may act alone and with the same effect as if there had been an arbitrator to represent the proprietor expropriated.

Refusal or  
neglect of  
owner to ap-  
point an arbi-  
trator.

2. If these two arbitrators cannot agree upon their award or upon the appointment of a third arbitrator, then, upon petition by the corporation, such third arbitrator shall be appointed by the judge of the superior court and shall proceed jointly with the others to render the award without delay.

Appointment  
of third arbi-  
trator.

3. The award shall be followed by payment of the compensation, and, upon the refusal of the proprietor to accept or his inability to accept such payment, owing to his absence or for some other reason, such compensation shall be retained by the corporation, which cannot be compelled to pay more than four per cent. interest per annum thereon, or it may be deposited under the requirements of the act respecting judicial and other deposits, and such deposit shall take the place of a discharge.

Award and  
payment of  
indemnity.

Effect of  
award.

4. The award containing the description of the land taken, passed before a notary and duly registered, shall take the place of an irrevocable and incommutable title.

Publications,  
&c., in Eng-  
lish.

118. When anything has to be published in English, it shall be translated from the French original, without its being necessary to have an original in English.

Coming into  
force.

119. This act shall come into force on the day of its sanction.

## CAP. LXVI

An Act to amend the charter of the town of Victoriaville.

[Assented to 10th March, 1899]

Preamble.

**W**HEREAS the corporation of the town of Victoriaville has, by petition, prayed for certain amendments to its charter, and it is expedient to grant its prayer;

Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

### SECTION I

#### TRANSITORY AND OTHER PROVISIONS

Present may-  
or and coun-  
cillors.

1. The present mayor and councillors of Victoriaville shall remain in office until removed or replaced in accordance with this act.

Present mu-  
nicipal officers  
and employ-  
ees.

2. The present municipal officers and employees of the said town shall likewise remain in office until they are removed or replaced by the council.

Existing *pro-  
cès-verbaux*,  
&c.

3. All *procès-verbaux*, assessment rolls, statements of dues, by-laws, orders, lists, rolls, plans of the town, resolutions, ordinances, agreements, provisions, engagements or municipal acts whatsoever, passed and agreed to by the council of the said town, shall continue to have full force and effect, until they are cancelled, amended, set aside or accomplished according to law.

Notes, &c.,  
signed, &c.,  
before coming  
into force of  
this act.

4. All notes, bonds, debentures, obligations and engagements whatsoever, signed, endorsed, accepted, issued or contracted by the said council, up to the coming into force of this act, shall have all their legal effect, notwithstanding the passing of this act.

5. All privileges, gifts, bonuses and engagements whatsoever consented to or entered into by the council, either in favor of religious communities or in favor of commercial or industrial companies or private individuals, are declared valid and are validated by this act, even if all the formalities required by law were not observed when they were granted. Privileges, &c., granted rendered valid.

6. The corporation shall be subject to the general law governing town corporations, contained in chapter I of Title XI (articles 4178 and following) of the Revised Statutes, except where this act derogates therefrom or contains provisions inconsistent therewith. Law to govern.

7. Wherever, in the said general act, the words "superior court" or "prothonotary" appear, they shall respectively be replaced by the words "circuit court in and for the district of Arthabaska" or "clerk of the circuit court in and for the district of Arthabaska," as the case may require. Replacing of certain words in general act, for town.

8. In addition to the powers conferred by article 4192 of the Revised Statutes, the corporation may exercise the following powers: R. S., 4192., and other powers.

1. Have a common seal which it may change or alter at pleasure; Seal.

2. Sign, draw, endorse, transfer, give, accept or receive notes to order or bearer, bills of exchange, cheques, bonds, obligations, debentures, judgments, securities or other deeds, whether negotiable or not, in the exercise and fulfilment of all the powers and rights conferred upon it by its charter and by law, and of all the duties and obligations which devolve upon it, especially for the security of loans, for the payment and settlement of amounts due to or by it under any act, contract, covenant or agreement for the payment of grants and for other lawful purposes. Power to sign, &c., notes, &c.

#### SECTION II

#### ANNEXATION OF NEW TERRITORY TO THE TOWN

9. Article 4472 of the Revised Statutes is amended, for the town, by adding the following paragraphs thereto: R. S., 4472, amended for town.

3. Upon petition of the majority in number and in value of the proprietors of any territory adjacent to the territory of the town, addressed to the council, the latter may, by by-law or simple resolution, enact and effect the annexation of such territory to the town, so as to form part thereof. Annexation of adjacent territory.

4. It may equally annex, in the same manner, any territory adjacent to that already annexed. Annexation of further territory.

5. From and after such annexation, the owners of lands, comprised in the territories annexed in virtue of this article, shall enjoy all the benefits, rights and privileges conferred Benefits, &c., of owners of lands, &c., annexed.

by this act upon the inhabitants of the town, and shall be subject to the same duties and obligations imposed on them by the same act.

Application  
of articles of  
Municipal  
Code.

53 V., c. 78,  
arts. 5 to 12,  
repealed.

6. Articles 78 to 192, inclusively, of the Municipal Code apply to the town.

10. Articles 5, 6, 7, 8, 9, 10, 11 and 12 of the act 53 Victoria, chapter 78, are repealed.

#### SECTION III

#### COUNCIL OF THE CORPORATION

R. S., 4194,  
replaced for  
town.

Composition  
of council.

11. Article 4194 of the Revised Statutes is replaced, for the town, by the following :

The municipal council of Victoriaville consists of a mayor and of six councillors : two for the North Ward ; three for the South Ward and one for the West Ward, elected as hereinafter prescribed.

R. S., 4192,  
replaced for  
town.

Quorum of  
council.

12. Article 4192 of the Revised Statutes is replaced, for the town, by the following :

Four members of the council shall constitute a quorum.

R. S., 4195,  
replaced for  
town.

Term of office  
of mayor ;  
Of council-  
lors.

13. Article 4195 of the Revised Statutes is replaced, for the town, by the following :

The mayor is elected for two years.

The councillors are elected for three years, except in the case provided for in article 4197 of the Revised Statutes, and subject to the restriction set forth in the following paragraph :

Retiring of  
present coun-  
cillors.

At the first general election following the coming into force of this act, two of the councillors of the South Ward shall be elected up to the following month of January only ; they shall draw lots to ascertain which shall remain in office and the two councillors for the North Ward shall be elected, only up to the first day of January, 1902.

R. S., 4196,  
not to apply  
to town.

14. Article 4196 of the Revised Statutes shall not apply to the town.

R. S., 4207,  
replaced for  
town.

Signature to  
debentures,  
&c.

15. Article 4207 of the Revised Statutes is replaced, for the town, by the following :

Unless the council otherwise provides, he signs, seals and executes, in the name of the council, all debentures, contracts, agreements or deeds made and passed by the corporation, and the secretary-treasurer countersigns them.

**16.** Article 4231 of the Revised Statutes is replaced, for the town, by the following :

At each such election a mayor is elected, if the office of mayor be vacant, in accordance with article 13 of this act, and as many councillors as are required by this act in the case of the first election, or as go out of office in the case of the following general elections.

R. S., 4231, replaced for town, Election of mayor and councillors to replace those retiring.

#### SECTION IV

#### POWERS OF THE COUNCIL

**17.** Articles 2 and 4 of the act 53 Victoria, chapter 78, are repealed.

53 V., c. 78, arts 2 and 4 repealed.

**18.** The following article is added, for the town, after article 4447 of the Revised Statutes :

Art. added after R. S., 4477, for town.

1. Prevent racing or trotting on the bridges and in the streets at a faster rate than that fixed by the by-laws ;

Prevent racing, &c. ;

2. Prohibit the placing of pipes on roofs, and determine in certain cases the materials of which the houses and roofs shall be made, and determine the line on which buildings shall be put up on the streets ;

Prohibit placing of pipes on roofs, &c. ;

3. Make by-laws with reference to wood- or coal- yards and the measuring of wood and coal ;

Make by-laws respecting wood- yards ;

4. Suppress games of strength, skill and hazard or authorize the same by license ; restrict, regulate or prohibit the keeping of public billiard-tables, shows, pigeon-hole tables or other similar establishments ;

Suppress games of skill, &c. ;

5. Make by-laws respecting the keeping of taverns, restaurants and places of public entertainment ;

Regulate taverns, &c. ;

6. Prevent filth and dirt from being thrown into the streets, ditches or water-courses or on the sidewalks, and order their removal ;

Prevent filth being thrown, &c., streets, &c. ;

7. Regulate the construction of privies, cellars, drains and ovens, as well as the use of steam-engines in workshops and factories ;

Regulate construction of privies, &c. ;

8. Restrict, regulate or prohibit any person from maintaining, keeping or using abattoirs within the limits of the town, or regulate the maintenance of such abattoirs ;

Restrict, &c., abattoirs, &c. ;

9. Cause to be arrested and punished every person in the town disturbing the peace, loitering in the streets, swearing, using blasphemous, obscene or insulting language, impeding peaceful people or obstructing passengers, persons under the influence of liquor, drunkards and those who infringe the by-laws of the town respecting the public peace, order or health ; and have such persons detained in custody and handed over to the guardian of the gaol or other place of

Cause persons disturbing peace, to be arrested.

safe-keeping in the town, until they are brought before the mayor or another justice of the peace, to be dealt with according to law.

R. S., 4404,  
replaced for  
town.  
Grant aid  
towards  
bridges, &c.

**19.** Article 4404 of the Revised Statutes is replaced, for the town, by the following :

Grant aid towards the making of bridges, dams, piers, wharves, slides, macadamized or paved roads, railways or other public works or any industrial establishment, situate wholly or partly within the municipality or in its vicinity, undertaken and built by incorporated companies or by the Provincial Government or by one or more individuals or by civil or commercial partnerships :

1. By taking and subscribing stock in any company incorporated for the purpose ;

2. By giving or lending money to such company or to such individual or individuals or to such commercial or civil partnerships ;

3. By securing by endorsement or otherwise the payment of any sum of money borrowed by such company, individual or individuals, or commercial or civil partnership ;

4. By exempting such industrial establishments from municipal taxes, assessments and rates in accordance with the provisions of section sixth of chapter second of the general law respecting town corporations.

#### SECTION V

#### TAXES AND LICENSES

53 V., c. 78,  
art 15, re-  
placed.

**20.** Article 15 of the act 53 Victoria, chapter 78, is replaced by the following :

Power to levy  
taxes for ex-  
penses of  
management,  
&c :

**"15.** For the purpose of levying the moneys required to meet the expenses of management, to provide for improvements and redeem the obligations of the town, the town council may, annually, by by-law or resolution, levy upon moveables and immoveables in the town and upon persons and their various occupations or professions the special and general taxes hereinafter set forth, to wit :

Upon im-  
moveable  
property.

1. Upon all immoveable property, a sum not exceeding a cent and a half in the dollar on the total real value, as shown on the valuation roll of the town in force ;

Upon stocks-  
in-trade, &c.

2. Upon all stocks-in-trade or goods kept by merchants or traders and exposed for sale on shelves or otherwise in shops or stores or kept in vaults, sheds, yards or other places, an amount not exceeding fifty cents per hundred dollars of the average estimated value of such stocks-in-trade or goods, to the amount of one thousand dollars, and ten cents per hundred dollars for every additional value, provided that, in no case, shall such tax exceed the sum of twenty dollars ;



3. Upon every tenant paying rent in the town, an annual sum of at least one dollar, and not exceeding five cents in the dollar on the amount of the rent, when it exceeds twenty dollars per annum ;

Upon tenants ;

4. Upon every person habitually practising in the town the profession of advocate, physician, notary, dentist, surveyor, civil engineer, architect or veterinary surgeon or any other liberal profession, or acting as a public officer or employee, a sum not exceeding ten dollars.

Upon certain professional men.

This tax is called the " professional tax."

Name of tax ;

In the event of a person holding several of the offices taxable under this provision, only one tax shall be exacted.

One tax only to be exacted ;

The persons who are subject to the professional tax are bound to pay the same on account of their employment or the duties they perform in the town, even when they do not reside therein ;

Non residents liable therefor ;

5. Upon each stallion kept for breeding purposes, a sum not exceeding ten dollars ;

Upon stallions ;

6. Upon each dog, a sum not exceeding two dollars ;

Upon dogs ;

7. Upon each bicycle, a sum not exceeding two dollars.

Upon bicycles.

The person in possession of the animals and articles above-enumerated is deemed to be the owner thereof and is taxed in consequence, saving his recourse, if any, against the real owner.

Who are reputed proprietors.

Horse-dealers and dealers in bicycles are not subject to the tax imposed on such animals and articles, as regards the horses and bicycles which they buy, make or keep for sale in the ordinary course of their trade."

Persons exempt.

21. The council may also, in its discretion, impose and levy annually a special tax, called " business-tax ", upon all or any persons or companies exercising, practising or carrying on, in the town, any of the kinds of business, occupations, arts, professions, industries, manufactures or means of profit or of livelihood hereinafter mentioned, namely :

Power to impose business-tax upon :

1. Upon every pedlar or itinerant trader residing in the town, a sum not exceeding twenty dollars ;

Dollars, &c. ;

2. Upon every broker, commission merchant, pawn-broker, auctioneer and exchange broker, a sum not exceeding thirty dollars ;

Brokers, &c.

3. Upon every brewer, distiller or wine manufacturer, a sum not exceeding fifty dollars ;

Brewers, &c. ;

4. Upon every person keeping billiard, mississippi, pigeon-hole tables, bowling alleys or other similar games, a sum not exceeding twenty dollars ;

Persons keeping billiard tables, &c. ;

5. Upon every fire or life insurance company doing business or taking risks in the town or on their agents, a sum not exceeding fifty dollars ;

Insurance companies &c.

- Bankers, &c.;** 6. Upon every banker and bank and their agents or managers doing business, a sum not exceeding two hundred dollars;
- Electric telegraph companies, &c.;** 7. Upon every electric telegraph, telephone, electric light or gas company and upon every express company or their agents, a sum not exceeding fifty dollars;
- Butchers, &c.;** 8. Upon every butcher, grocer, fancy goods, iron or general merchant, druggist, baker, huckster, hawker, owner or keeper of a coal or wood yard, slaughter house or tannery; upon every dealer in horses; upon every manufacturer of bricks, soap, glue, ginger-beer or other beer; upon every owner of mills driven by steam or water power, foundries, manufactories whatsoever, or their agents or managers, or all persons working the same; upon all carriage-makers, blacksmiths, tinsmiths, barbers, tailors, bottlers, shoemakers, printers, newspaper-editors, a sum not exceeding twenty dollars.
- Contractors.** 9. Upon every contractor, fifty cents per hundred dollars on the amount of the contract unless he already pays the tax authorized by this act.
- Non residents liable to tax.** Persons or companies liable to the business-tax are obliged to pay the same, on account of their business or industry within the town, even if they do not reside therein.
- Tax under art. 21 may be levied under form of license.** 22. The special taxes enumerated in article 21 may be imposed and levied under the form of license, if the council so decides, and in such case it is not necessary that the persons liable to such taxes be mentioned in the valuation and collection rolls.
- Persons liable to pay full tax even if they carry on business for part of year only. Exception.** 23. Every person who, during the fiscal year, carries on or practises any kind of business, trade or occupation, which renders him liable to the business-tax, is bound to pay the whole of such tax, whatever may be the time of the year at which it becomes due, unless the council remits any portion of such tax, on account of the short time to elapse before the end of the fiscal year.
- Business-tax payable on each.** 24. The business-tax is exigible for carrying on each such trade, business or occupation, even when it is so carried on by the same person, firm or company.
- Power to levy certain sum by way of license from persons exposing goods, &c.** 25. The council may levy, by license for a year or for a determined period or otherwise, upon all persons who do not reside within the limits of the town, and who sell, retail, expose for sale or peddle any species of goods and effects, such yearly sum as it may determine, provided such sum does not exceed one hundred dollars.
- Collection of fee for license by distress.** 26. In case a person bound to take out a license is not provided with the license specified in the foregoing article, the amount thereof shall be demanded of him by the

secretary-treasurer or any other municipal officer ; and, in default of immediate payment, such amount shall be levied without delay by means of a warrant under the hand of the mayor and the seal of the corporation, addressed to a bailiff of the superior court or to one of the municipal officers, and the merchandize shall be seized upon the very person of the vendor and be sold for the payment of such license by such bailiff or municipal officer or any other, after a notice of eight days posted at the door of the parish church.

**27.** The council may, moreover, by by-law or by simple resolution, levy and collect, by special license, a sum not exceeding one hundred and fifty dollars of and from all persons who come temporarily into the town to sell or cause to be sold merchandize, goods or effects, coming wholly or in part from a bankrupt stock or other stock of goods, either by auction or by private sale. Tax upon transient traders.

**28.** Every license, signed by the secretary-treasurer, gives the holder the right to practise or carry on his art, trade, profession, business or industry until the expiration of the fiscal year. Powers under licenses.

**29.** Article 4414 of the Revised Statutes is replaced, for the town, by the following : R. S., 4414, replaced for town.

**Fix** a sum, not exceeding one hundred dollars, for the granting, transferring or renewing of each certificate for obtaining a license authorizing the sale of spirituous, vinous, alcoholic or intoxicating liquors. Price, &c., for transfers of licenses for sale of intoxicants.

**30.** The council shall further have the right to levy : Tax upon :

1. On every wholesale liquor store, a tax of one hundred dollars ; Wholesale liquor store. :

2. On every temperance hotel, house of public entertainment and restaurant, a tax of fifty dollars. Temperance hotel; &c.

**31.** Whether there be or be not a by-law to that effect, no person or company shall keep in the town any circus, menagerie or equestrian show, or give any theatrical or musical performance, or keep any show, exhibition, gymnasium or other game for profit, without having previously obtained, for each of such representations or other objects, a permit from the mayor and a license from the secretary-treasurer, and without having paid the latter, for such license, a sum not exceeding one hundred dollars for every circus, menagerie or equestrian show, and a sum not exceeding twenty dollars for each of the other objects mentioned in this article. License required before any circus, &c., can be exhibited in the town.

Amount of fee  
for such li-  
censes.

**32.** The council may, by simple resolution, determine the sums payable for the licenses mentioned in the preceding article.

Payment  
compulsory  
for every one  
coming to the  
town to carry  
on trade for  
which license  
is required.

**33.** Every stranger who comes into the town to carry on any business, trade or occupation, which renders him liable to the business-tax, either before or after the making of the valuation rolls, and whose name is not entered on such rolls, shall be bound to pay such tax as if it were imposed by license and on demand of payment made by the secretary-treasurer or a municipal officer, accompanied by a detailed statement in writing setting forth the by-law imposing such tax and the amount imposed.

R. N., 4408,  
replaced for  
town.

**34.** Article 4468 of the Revised Statutes is replaced, for the town, by the following :

Carters, &c.,  
required to  
take out li-  
cense.

1. Oblige carters, proprietors or drivers of public vehicles for hire or for conveyance of loads in the town, to procure from the corporation an annual license, represented by numbers supplied by the corporation, the price of such licenses not to exceed the sum of five dollars for each such number : also to oblige them to affix such numbers on each vehicle or harness ;

Non resi-  
dents obliged  
to take out  
such license.

2. Every person plying the trade of carter or driver of public vehicles for hire or for the conveyance of loads in the town shall be obliged to pay for such license and to procure such number even if he do not reside within the limits of the town.

Council may  
impose tax on ;  
Clerks, &c. ;

**35.** The council may also impose :

1. Upon every clerk, commercial traveller, bank manager, manager of a factory, of a commercial corporation, of a commercial or civil partnership, and generally upon every person receiving a monthly or annual salary, a tax equal to one per cent. on the amount of their salary provided that, in no case, shall such amount exceed the sum of twenty dollars.

Male inhabi-  
tants not  
otherwise  
taxed.  
Exception ;

2. Upon every male inhabitant of the age of twenty-one years, who has resided one month in the town and who pays none of the aforesaid taxes, an annual sum of two dollars ; except upon sons residing with their father and living in common with him.

Non-residents  
working by  
the day.

3. Upon every person who does not reside in the town and who possesses no property therein, but who works by the day therein for at least one month or more, the sum of two dollars.

Taxes under  
§§ 2 and 3 may  
be levied by  
license.

The tax mentioned in the last two paragraphs may be collected by means of a license, even when the said persons are not entered on the valuation or collection rolls in accordance with the method prescribed in article 26 of this act.

**36.** The council may instruct the assessors to add to the valuation roll a list of the persons and of the moveables taxed under the foregoing articles, and all amounts, taxes or licenses so imposed and levied shall be exigible in law.

Addition to valuation roll of persons, &c., liable to taxes.

**37.** Every person who infringes the provisions contained in article 31 of this act is liable to a fine not exceeding one hundred dollars, recoverable in the manner prescribed in article 4584 of the Revised Statutes, or three months imprisonment in default of payment of the fine.

Infringements of article 31 liable to fine, &c.

## CAP. LXVII

An act to amend the charter of the town of Summerlea.

[Assented to 10th March, 1899.]

**W**HEREAS the corporation of the town of Summerlea has by its petition represented that it is desirable to amend its charter, to extend its limits and to grant it more ample powers, and it is expedient to grant such prayer ;  
Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

Preamble.

**1.** Section I of the charter of the town of Summerlea, 58 Victoria, chapter 57, is replaced by the following :

58 V. c. 57, s. 1, replaced.

**"1.** The town of Summerlea shall comprise the following territory to wit: The lots known and designated as numbers 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 897, 898 and 899 of the official plan and book of reference of the cadastre of the parish of *Les Saints Anges de Lachine*, with their subdivisions, and also that portion of the lot known and designated as lot No. 880 of the said cadastre of the said parish of *Les Saints Anges de Lachine* situate to the south of the Queen's highway on the river St. Lawrence, and finally such portions of the said lot 880 of the cadastre of the parish of *Les Saints Anges de Lachine* now owned by the representatives of Cornelius C. Meeker and by Peter Lyall on the north side of the Queen's highway—which territory is bounded on the east by the town of Lachine, on the west by Dorval village and by that part of lot No. 880 of the cadastre of the said parish of *Les Saints Anges de Lachine* which is situate to the north of the Grand Trunk Railway of Canada ; on the north by the centre of the public highway of *La Côte de Notre Dame de Liesse* in the parish of *La Présentation de la Sainte Vierge*, by lots Nos. 895 and 896 of the cadastre of the parish *Les Saints Anges de*

Territory comprised in town.

*Lachine* and by lot number 544 of the cadastre of the Parish of *St. Laurent*, to the south by the middle of the River *St. Lawrence*."

Certain road  
to be kept by  
town.

2. The town of Summerlea shall keep and maintain that part of the road, commonly known as *Montée de la Côte de Notre Dame de Liesse*, being within its limits, without the inhabitants of the neighboring municipalities being bound thereto.

58 V. c. 57, s.  
8, replaced.

3. Section 8 of the act 58 Victoria, chapter 57, is replaced by the following:

Where sit-  
tings of coun-  
cil to be held.

"8. The council of the town of Summerlea may, by resolution, designate, from time to time, the place where its sittings shall be held and where its place of business shall be; and, so long as the council of the town of Summerlea shall not have built a town-hall in the town of Summerlea, it may hold its sittings and have its place of business either in the town of Summerlea, or in the town of Lachine, or in Dorval village."

R. S. 4533,  
replaced for  
town.

4. Article 4533 of the Revised Statutes is replaced, as regards the town, by the following:

Who presides  
over poll.

The poll shall be held and presided over by the mayor with the assistance of the secretary-treasurer.

To be held for  
one day.

It is held, during one juridical day, from nine o'clock in the morning until five o'clock in the afternoon.

58 V. c. 57, s.s.  
12 and 13, re-  
pealed.

5. Sections 12 and 13 of the act 58 Victoria, chapter 57, are repealed.

Power to im-  
pose:

6. For the purpose of realizing the moneys required to meet the expenses of the corporation and to effect the necessary public improvements within the limits of the town, the council of the town of Summerlea shall have the right and power to pass by-laws for levying, imposing and collecting the following:

Tax upon  
proprietors,  
&c., of houses  
of public en-  
tertainment,  
&c.

(a) An annual tax or license on all proprietors or occupants of houses of public entertainment, private boarding-houses, taverns, hotels, coffee-houses, and eating-houses; on all retailers of spirituous, vinous and fermented liquors; on all pedlars and itinerant traders selling, in the town, articles of commerce of any kind whatsoever; on all proprietors, possessors, agents, managers, and keepers of theatres, circuses, menageries and other similar shows, billiard rooms, tennis alleys, or other places for games or amusements of any kind whatsoever; on all auctioneers, grocers, bakers, butchers, hawkers, hucksters, carters, livery-stable keepers, brewers, distillers and bottlers; on all merchants, retailers, traders and manufacturers or on their agents; on all proprie-

tors or keepers of wood-yards or coal-yards, or slaughter-houses ; on all brokers, money-changers or exchange brokers ; on all building societies and insurance companies or their agents ; on all agents, commission merchants or employees ; on all telegraph, telephone, electric and gas companies, or their agents or operators ; on all manufacturers of spruce beer and root beer, and the agents and agencies of each of them ; on all brickmakers, soap boilers, lumber merchants, proprietors or occupants of mills driven by water, steam or electricity, and of tanneries or laundries ; on all weigh-houses ; on all bailiffs or druggists residing within the town : on all railway companies whose cars are driven by steam, electricity, or other motive power, and which run through the municipality ; on all proprietors, or keepers of boats, yachts or canoes for hire ; on all refineries, and, generally, on all business, manufactures, occupations, arts, industries, trades or professions which are now or may be introduced and exercised in the town by any persons, firms or companies, either on their own account or as agents for others, temporarily or permanently, whether they reside or not in the town ; provided that the amount levied by the town on holders of licenses issued under the Quebec License Law does not exceed one hundred dollars.

Such license or tax may be different for the same business, art, industry, manufacture, occupation, trade or profession, according as the persons exercising the same reside in the town or outside of the same. Difference in rate of tax.

(b) The only persons exempt from such license or tax shall be commercial travellers, that is to say, persons selling on sample, when travelling for and on behalf of a business establishment, who do not deliver goods. Commercial travellers exempt from tax.

(c) The council of the town of Summerlea may also levy, impose and collect, by by-law, an annual tax on every telegraph, telephone or electric light pole in the municipality, provided that such tax does not exceed thirty cents per annum upon each pole. Such tax shall be recoverable annually from the owners of the pole. Tax upon telegraph, &c., poles, wires, &c.

(d) The amount of such respective annual licenses or taxes shall be fixed and determined by a resolution or by a by-law of the council of the town, and shall be fixed and determined by the council in its discretion, either by a specific annual amount or by percentage on the annual value of the property occupied by the said persons in the town, and in or upon which they carry on such business, manufacture, occupation, trade, art, profession or means of profit or livelihood ; but in no case shall any such license or tax exceed one hundred dollars per annum. How amount of licenses or taxes to be fixed.

(e) Every license shall be signed by the secretary-treasurer of the town, and shall give the bearer therein named the right to carry on his art, trade, occupation, business or indus- Licenses how to be signed, &c., what

rights are conferred there-  
by.

Persons carrying on business for part of year liable for full tax.

Qualification for municipal office.

Qualification for office of mayor and councillor.

Coming into force.

try up to the first of May following. If a license is issued without the amount due thereon being previously paid, it shall be null and void.

(f) Every person who, during the fiscal year, carries on or practises in the town of Summerlea any kind of business, trade or occupation which renders him liable to the license or business-tax aforesaid, and every company, firm or corporation liable to the payment of a license or tax under any by-law of the council of the town of Summerlea, is bound to pay the full amount specified for each such license or tax.

7. Notwithstanding article 4214 of the Revised Statutes, whoever has his domicile or place of business or has resided for three months in the town, and is qualified as otherwise required in such case by the said law respecting town corporations, shall be qualified to fill municipal office therein.

8. Article 4216 of the Revised Statutes is amended for the town so as to qualify for the office of mayor or councillor any person who has had his domicile or place of business or has resided in the town for three months during the year preceding the election, and is otherwise qualified as required by the law respecting town corporations for the exercise of such offices.

9. This act shall come into force on the day of its sanction.

## CAP. LXVIII

An Act to incorporate the town of Windsor Mills.

[Assented to 10th March, 1899.]

Preamble.

WHEREAS the provisions of the Municipal Code have ceased to meet the requirements of the inhabitants of the village of Windsor Mills;

Whereas said inhabitants have prayed, by their petition, to be incorporated as a town, and for certain special powers not granted by the law governing town corporations, and to have a special charter;

And whereas it is in the interest of the rate-payers of the said village that such prayer be granted;

Therefore Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:



## TITLE I.

## ORGANIZATION OF THE CORPORATION.

## SECTION I.

## INCORPORATION.

**1.** The territory comprised within the limits hereinafter set forth is erected into a town municipality, under the name of the "Town of Windsor Mills," and the inhabitants of the said village are constituted a town corporation, under the name of the "Corporation of the town of Windsor Mills."

Town constituted.  
Name.  
Corporation constituted.  
Name.

**2.** The town shall be separated from the county of Richmond for all municipal purposes.

Separate from county of Richmond.

**3.** The corporation of the town of Windsor Mills is governed by the provisions of the law respecting town corporations, contained in chapter first of title eleventh of the Revised Statutes, except where specially derogated from by this act or by inconsistent provisions which it may contain.

Laws governing.

## SECTION II.

## BOUNDARIES AND DIVISIONS INTO WARDS.

**4.** The limits of the town of Windsor Mills are the same as those of the village of Windsor Mills, and to remove all doubts in regard to its boundary on the river Saint Francis side, it is declared to be and to follow the centre of that river, at low-water mark, on all its length, opposite the town.

Limits of town.

**5.** The town is divided in three wards :

Division into wards.

The North Ward, which comprises the southeast half of lot eleven and lots numbers twelve and thirteen of the twelfth range of the township of Windsor, save that part of lot thirteen included in the South Ward ;

North Ward ;

The South Ward, which comprises lot number fifteen in the thirteenth range of the township of Windsor, and that part of lot number thirteen in the twelfth range of said township, lying within the following boundaries : St. George, Church, Dearden Streets, the division line between the properties of Michael J. Dearden and of John Samson, continued in a straight direction to the river St. Francis, and the northwest side line of the aforesaid lot number fifteen.

South Ward ;

The East Ward, which comprises lots numbers fourteen and fifteen in the twelfth range of the township of Windsor.

East Ward.

Change in  
limits and  
number of  
wards.

**6.** Whenever it is considered necessary, on account of notable changes in the number of habitations and in the population of any ward and in the interest of the town so to do, the council may, after special notice of the motion has been served upon all the members of the council, change, by by-law, the number and limits of the wards; but such change shall take effect only at the date of the then following elections.

#### SECTION III.

##### ANNEXATION OF TERRITORY.

Annexation  
of territory.

**7.** The council of the town may, by by-law, annex to the town any immoveable property or part thereof situate in any adjacent municipality, provided that the council of any such municipality and the proprietor or proprietors interested consent to such annexation, on such terms as may be agreed upon.

Such annexed territory shall form part of the ward adjacent thereto.

#### SECTION IV.

##### TRANSITORY PROVISIONS.

Existing *pro-*  
*ces-verbaux*,  
&c., contin-  
ued.

**8.** All *procès-verbaux*, valuation rolls, titles, accounts, dues, by-laws, orders, lists, rolls, plans, resolutions, ordinances, agreements, undertakings or municipal acts whatsoever, passed and agreed to by the mayor and council of the said village, shall continue to have their full effect until they are cancelled, amended, resiliated or accomplished, or unless they are specially inconsistent with this act.

Engagements,  
&c., contin-  
ued.

**9.** All notes, debentures or obligations, and all securities and engagements whatsoever, lawfully subscribed, issued or contracted by the council of the said village up to the coming into force of this act, shall continue to have their legal effect.

Succession to  
rights and  
obligations.

**10.** The town of Windsor Mills succeeds to all the rights, property and obligations of the village of Windsor Mills.

Mayor and  
councillors of  
village.

**11.** The mayor and councillors of the village of Windsor Mills, in office at the passing of this act, shall remain in office as mayor and councillors of the town, until the first session after the first general election has taken place.

Municipal of-  
ficers of vil-  
lage.

**12.** The officers of the council of the village of Windsor Mills shall be and remain officers of the town, until replaced by the council of the town.

## SECTION V.

## TOWN COUNCIL.

**13.** The council shall be composed of the mayor and of Composition of council.  
two councillors for each ward.

## TITLE II.

## QUALIFICATION OF ELECTORS.

**14.** Spinsters and widows, having attained the age of Spinsters and widows qualified to vote.  
majority, have the right to be entered on the list of municipal electors, and to vote at all municipal elections and upon all questions or matters submitted to the electors, provided they are qualified as real estate owners and otherwise possess the qualifications required by law to be electors.

**15.** Whenever two or more persons are co-owners, co-tenants or co-occupants of any real estate valued at an amount Co-proprietors to be entered on electoral list.  
sufficient to confer upon each the electoral suffrage, each of such co-owners, co-tenants or co-occupants is an elector, in conformity with this act, and shall be entered upon the list of electors, provided the interest of each one is such as to enable him to vote.

The Canada Paper Company, Limited, and the Hamilton Powder Company, Limited, shall be entered in the electoral list in respect of the real estate owned by each, respectively, Certain companies to be also entered.  
as appears by the valuation roll; and the officer appointed for that purpose by the board of directors of each of such companies, respectively, shall have the right to vote in the name of the company represented by him on all by-laws which under the charter must be submitted to the proprietors; provided that neither of the said companies shall have the right to vote upon any by-law granting a bonus to itself.

**16.** No municipal elector, unless he or his wife is entered Owners, &c., of real estate alone qualified to vote upon certain by-laws.  
on the valuation roll, as owner of real estate, qualifying him as such, shall have the right to vote upon any by-law affecting the credit of the town or increasing its debt in any manner whatsoever, or granting special privileges.

## TITLE III.

## MUNICIPAL ELECTIONS.

**17.** The first elections of mayor and councillors of the town shall be held at the council room of the village of Windsor Mills, under the presidency of the secretary-treasurer of the village of Windsor Mills, or, in his absence, of a person named by the majority of the electors present. First general election of mayor and councillors.

**Nomination.** The nomination shall take place at nine o'clock in the morning of the third Tuesday following the coming into force of this act, and the polling, when required, shall be held on the subsequent Tuesday, at the same hour.

**Term of office.** **18.** The mayor and councillors shall be elected for two years.

**Representation of wards.** **19.** Each ward shall be represented by two councillors.

**Drawing of lots for retiring councillors.** **20.** At the session of the council held in the month of December next (1899), the councillors of each ward shall draw lots in the manner determined by the council, to decide which of the two shall be replaced in the following month of January.

**Election of one councillor for each ward every year.** **21.** In the following year, the other councillor of each ward shall be replaced, and thereafter, every year, the councillors, whose term of office has expired, shall be replaced in such a manner that, every year, one councillor for each ward shall be replaced.

**Elector refusing to take oath not to vote.** **22.** If an elector refuses to take the oath prescribed by article 4250 of the Revised Statutes, his vote must be refused.

**Voting to be by ballot.** **23.** Voting for the election of the mayor and councillors of the town shall be, by ballot, according to the Quebec Election Act, 1895.

#### TITLE IV.

##### QUORUM OF THE COUNCIL.

**Quorum of council.** **24.** The majority of all the members of the council shall form a quorum.

#### TITLE V.

##### POWERS OF THE COUNCIL.

##### SECTION I.

##### AID AND SUBSIDIES

**Town authorized to :** **25.** In addition to the powers granted by articles 4402 to 4407, inclusively, of the Revised Statutes, the town shall have the following powers :

**Aid in purchase, &c., of bridges, &c. :** (a) Aid in the purchase, construction, repair and maintenance of any bridge, causeway, pier, dam, wharf, macadamized or paved road, or other public work, excepting railways, situated in whole or in part within the town or its vicinity ;

(b) Agree with any person, association, firm or company, having already established or proposing to establish any industry or manufacture in the town, to accept a certain sum payable annually for a period not exceeding twenty years, as commutation for all municipal taxes on the property occupied for such industry as well as on such industry itself. Grant commutation of taxes to industrial establishments.

2. Every by-law passed by the council in virtue of this section must, before coming into force, be approved by the electors who are proprietors. Approval by electors of by-law for such purpose.

## SECTION II.

## SEWERS.

**26.** In addition to the powers conferred by article 4452 of the Revised Statutes, the town shall have the right to organize a system of main sewers within its limits and at its expense, and decide when and where such sewers shall be built, provided the said system does not discharge into the Watopeka. Town to have right to organize system of sewers. Proviso.

## SECTION III.

## LIGHTING.

**27.** The town may authorize individuals or companies to establish, possess and operate a lighting system in the town, with or without stipulations authorizing the corporation of the town to purchase said system. The by-law granting such authorization shall determine the rates and conditions to be charged by said persons or companies to consumers. Town may authorize establishment, &c., of a system of lighting &c.

**28.** Any by-law concerning the lighting of the town by the corporation or concerning the lighting of the streets, at the expense of the town, shall be approved of by the municipal electors who are proprietors. Approval of by-law for such purpose.

## SECTION IV.

## EXPROPRIATIONS.

**29.** Articles 4565 to 4569, inclusively, of the Revised Statutes shall not apply to the town. R. S. 4565 to 4569, not to apply to town.

**30.** Articles 5754b to 5754s, inclusively, of the Revised Statutes, as enacted by the expropriation act, 54 Victoria chapter 38, shall apply to the town. R. S. 5754b. to 5754s, to apply to the town.

## SECTION V.

## LOANS.

Power to issue promissory notes, &c.

**31.** It shall be lawful for the council to issue, by resolution, promissory notes, the interest thereon, if any, not to exceed the legal rate, for no longer term than one year, to settle the current accounts only and the balances due on the yearly appropriations to each standing committee only, and the debts contracted by the council of the village of Windsor Mills. But the unpaid principal of all the promissory notes, issued under this article to settle said current accounts and the balances due on appropriations, shall not exceed two thousand dollars. Loans effected under this section need not be submitted to the approval of the rate-payers.

Limit of debt, &c., of town.

**32.** The total amount of the debts and liabilities of the town, from promissory notes, obligations and debentures, shall never exceed, in capital, a sum equivalent to fifteen per cent. of the total estimated value of the taxable real estate of the town, according to the last valuation roll in force.

## SECTION VI.

## VALUATION ROLL.

R. S. 4498 replaced for town.

**33.** Article 4498 of the Revised Statutes is replaced, for the town, by the following:

When and how valuation roll to be prepared.

It is the duty of the valutors in office to make, every three years, between the first day of July and the first day of September, or at any other time which the council may order by resolution, the valuation of the taxable property of the town, according to its real value. They also make the valuation of the annual value of such property, and enter it in the roll, with the names of the tenants, the amount of annual rent paid by them and the names of the occupants.

Revision.

**34.** Every year in which a new valuation is not made, the council may revise and amend the valuation roll in force, by complying with the formalities prescribed by articles 736, 737 and 738 of the Municipal Code.

Annual value to be ascertained.

**35.** When the rent agreed upon for any property or part of any property does not represent the annual value thereof, the valutors shall enter on the valuation roll the true annual value thereof, which alone shall serve as a basis for the imposition of the tax on tenants and occupants and also for the collection of water-rates.

Designation of undivided property.

**36.** When the valutors assess property possessed *par indivis* by more than one person or of which the partition is not known, it shall be lawful for them to designate such prop-

erty by mentioning the name of the predecessor of the interested parties, or the name of one of the known proprietors, and any of the co-heirs or the co-proprietors may be compelled to pay the taxes, saving his recourse against every other person liable therefor.

**37.** If, after the valuation roll has been homologated, any immoveable property in the town is considerably diminished in value, either by fire, accident or any other cause, the council may, on written petition of the owner, reduce the valuation of such property to its actual value. Reduction in value in certain cases.

#### SECTION VII.

##### TAXES, LICENSES AND THEIR COLLECTION.

##### § 1.—General Provisions.

**38.** In order to raise the necessary funds to meet the expenses of the council and to effect all necessary and beneficial public improvements, the council may levy, annually, on the persons and on the moveable and immoveable property in the town, all general or special taxes, contributions, licenses, specific duties and other imposts as hereinafter provided : Levying of taxes upon :

##### § 2.—Tax on Immoveables.

**39.** Upon all lands, town lots or parts of lots together with all buildings and fixed machinery thereon erected, and therein placed, if any, a sum not exceeding one and one half per cent. of their actual value, as shown on the valuation roll. The council may, however, divide the tax on immoveable property and levy and impose taxes separately on the lands and on the buildings thereon erected, including fixed machinery, or impose taxes only on the lands or only on the buildings containing fixed machinery. Immoveables ;

##### § 3.—Tax on tenants, occupants and others.

**40.** Upon every tenant paying rent in the town, an annual tax not exceeding five cents per dollar on the amount of the rent entered in the valuation roll or rental list or of the annual value of the property leased or occupied, this latter value being taken for the imposition of the tax ; provided always, that the said annual tax be at least one dollar, that is to say, that each tenant shall pay, at least, one dollar per annum. Such tax is likewise exigible from every occupant of a property, according to the estimated value of his occupation, as shown by the valuation roll. Tenants and occupants ;

Male inhabitants not otherwise taxed ;

**41.** Upon every male inhabitant of the age of twenty-one years and over, who is not otherwise taxed, a sum of not more than two dollars.

§ 4. — *Tax on arts, professions, trades, business, industries, etc.*

Trades, business, professions, &c.

**42.** Upon all persons or corporations carrying on, within the limits of the town, any trade or business, and upon all persons exercising any profession or earning any salary or wages, provided such tax shall not exceed in any case forty dollars in any one year.

Taxes payable by residents and non-residents carrying on business, &c.

**43.** The taxes and specific duties mentioned in the preceding paragraph may be imposed upon and exacted from any person, whether he resides within the limits of the town or not, provided he carries on a trade, business, calling, profession or industry therein, or earns wages and salary therein ; provided always that if a tax is imposed on salaries and wages, the first four hundred dollars earned by each person shall not be subject to taxation.

Taxes upon each trade, &c.

**44.** Such taxes or specific duties shall be exigible for carrying on each such trade, business or occupation, even when two or more of them are so carried on by the same person or firm, if carried on in separate buildings.

For traders, tax based on stock.

**45.** The specific duties levied on traders and merchants shall be established according to the amount of stock-in-trade kept, said amount of stock to be established by the municipal valuers.

Tax due for whole fiscal year.

**46.** Every person who, during the fiscal year, carries on or practices any kind of business or occupation which renders him liable to the tax or specific duty, is bound to pay the whole of such tax or specific duty whatever be the time of the year at which it becomes due, unless the council remits any portion of such tax or specific duty, on account of the short time to elapse before the end of the current year.

Proviso.

Exception for last three months only.

**47.** The council, however, cannot remit such tax or specific duty, except when the same would become due only during the last three months of the fiscal year.

Council may, by by-law, &c., collect tax upon : Persons selling bankrupt stocks ;

**48.** The council may, by by-law or by simple resolution, levy and collect, by special license :

1. A sum, not exceeding one hundred and fifty dollars, from all persons who come temporarily into the town to sell or cause to be sold merchandize or goods belonging, in whole or in part, to a bankrupt stock or other stock of



merchandise, goods or effects, either by auction or by private sale, the whole without prejudice to the right to impose the taxes or specific duties, mentioned in the present paragraph ;

2. A sum not exceeding twenty-five dollars per annum Peddlers ; from every peddler selling or offering for sale goods or wares in the town, whether holding a district license or not.

### § 5.—*Tax on Moveables.*

49. Upon the following moveables kept in the town, to Certain moveables. wit :

(a) Upon every stallion kept in or brought temporarily into the town for breeding purposes, a sum not exceeding ten dollars ;

(b) Upon every horse kept for hire or actually hired, a sum not exceeding three dollars ;

(c) Upon every dog, a sum not exceeding two dollars ;

The person in possession of the animal or articles above Who is reputed to be owner. enumerated is deemed to be the owner thereof, and is taxed in consequence, saving his recourse against the real owner.

Traders are not subject to the tax imposed by this article, Certain traders exempt. as regards the animals or vehicles which they buy, make or keep for sale in the ordinary course of their trade.

### § 6.—*Discount, Interest and Prescription.*

50. It shall be lawful for the council, at any time, to declare, by resolution, that the rate-payers, who pay their taxes or municipal dues within a specified period, shall benefit by a reduction which the council shall determine. Discount upon payment of taxes may be allowed.

The secretary-treasurer shall give public notice of such resolution. Notice of resolution therefor.

51. All arrears of municipal dues are prescribed by five years. Prescription of taxes.

### § 7.—*Collection of Taxes.*

52. Whenever a tax or license fee is due by a peddler, hawker, proprietor of a circus, or any other person temporarily practising his profession or exercising his trade, art, business or industry in the limits of the said town, and such tax is not paid or such license is not taken, the amount thereof shall be demanded by the secretary-treasurer or other municipal officer, and, if not paid on demand, it may be recovered, with costs, on all the moveables and effects, even those exempt from seizure, found in the possession of such person in the town, upon a warrant signed by the mayor or pro-mayor and executed in the manner prescribed for ordinary taxes. Distress warrant may be issued to collect taxes from peddlers, &c.

Recovery of  
taxes on  
firms, &c.

**53.** When the tax is imposed on the members of a firm or association of merchants, on account of the business of such firm or association, such tax may be claimed and recovered in full, either from one of the partners or from the firm or association itself.

Sale for taxes  
to be by auc-  
tion.

**54.** The immoveables, moveables or effects to be sold, under the provisions of this act, for the recovery of taxes, assessments or other dues, shall be put up to public auction, and it shall not be necessary that they be sold by a licensed auctioneer.

R. S., 4554.,  
replaced for  
town.

**55.** Article 4554 of the Revised Statutes is replaced for the town by the following :

Sale on war-  
rant how  
stopped.

The sale on such warrant cannot be stopped, except on an order of a judge of the superior court made on petition presented either in chambers or to the circuit or superior court, or on an order of a district magistrate.

#### SECTION VIII.

#### SALES OF IMMOVEABLES FOR TAXES.

Date and place  
of sale of im-  
moveables for  
taxes.

**56.** In every case where a person, not residing in the town, is taxed for vacant property or other immoveables which he possesses therein, and in every case where there is not sufficient seizable property to pay the taxes imposed on any person in the town for lands, buildings or other immoveables to him belonging, and whenever claims or municipal dues, secured by privilege in virtue of this act, exist on any immovable of the said town, if the taxes are not paid within the six months after the notice of deposit of the general collection roll of the town has been given, or if the said claims or municipal dues are not paid within six months of the time they become due, the council may, upon a report to that effect made by the secretary-treasurer at one of the meetings in the month of July, authorize him to sell or have sold by public auction, at the ordinary place of meeting of the council, in the manner hereinafter prescribed, on the first Tuesday in October following, at the hour of ten in the forenoon, the immoveables so indebted for taxes, claims or other municipal dues.

Sale of prop-  
erty for school  
taxes.

**57.** The council may, likewise and at the same time, upon a certificate from the secretary-treasurer of the school commissioners or school trustees of the town, setting forth that the school taxes imposed upon one or more immovable properties in the town have not been paid within the delay by law required, authorize its secretary-treasurer to sell or have sold by public auction, at the ordinary place of meeting of the council, in the manner hereinafter prescribed, but at the cost, risk and peril of the said school commissioners or

school trustees, any immoveable property designated by resolution of the said school commissioners or school trustees as so indebted for school taxes.

**58.** In the case of the sale of immoveables for taxes or other municipal dues to which such immoveables may be subject in virtue of this act, the council may add, to the amount of such taxes, all other municipal dues whatsoever due by the proprietor of said immoveables, with the same privilege, when the public sale of such immoveables takes place.

All municipal dues may be collected out of sale.

**59.** The secretary-treasurer of the town shall prepare a list containing a designation or summary description, according to article 2168 of the Civil Code, giving the boundaries of the properties which have been ordered to be sold by the council with the names of the proprietors, as shown by the valuation roll, and opposite the description of such immoveables, the amount of municipal dues and school taxes due and payable affecting such immoveables.

List of property to be sold for taxes.

**60.** The secretary-treasurer must give, within fifteen days after such order has been given, in the ordinary manner, a public notice of the day, hour and place where such sale shall take place.

Public notice of sale.

Such notice and the copies thereof to be posted up shall be respectively accompanied with a copy of the list of the immoveables to be sold, with the amount of taxes and other municipal dues due on each property respectively.

Posting of notice, &c.

A like notice and the list which shall accompany the same shall be published twice in the French and English languages in the *Quebec Official Gazette* in the month of August preceding the sale.

Publication in Quebec Official Gazette.

**61.** The secretary-treasurer is bound to give, during the month of August, to every person entered on the valuation roll as the owner of the property to be sold, a special notice, by registered letter mailed to the address of such person.

Special notice of sale.

If the debtor or proprietor has no known domicile, the notice must be sent to the occupant of the immoveable which is to be sold, unless such immoveable be a vacant lot, in which case the notice is not necessary.

If the immoveable assessed is entered on the valuation roll as forming part of a succession or as belonging to co-proprietors, the notice addressed to one of the heirs or representatives of the succession, or upon one of the co-proprietors, shall be sufficient.

**62.** At the time indicated for the sale, the secretary-treasurer, or some other person acting in his name, sells separately to the highest and last bidder the immoveables

Sale to highest bidder.

described in the list on which municipal taxes or dues are still due after having made known the amount to be levied on each of them, including the costs incurred for such sale.

Apportion-  
ment of cost of  
advertising.  
Fees of secre-  
tary-treasur-  
er.

The cost of advertising and publication are equally apportioned upon each immoveable advertised or sold.

The secretary-treasurer shall be entitled to fifteen cents for each hundred words or figures for all public notices, lists and other documents in relation to the adjudication, or redemption or sale of lands indebted for taxes, to fifty cents for each special notice in relation to the same, and to one dollar and fifty cents for each certificate of adjudication.

Who be-  
comes pur-  
chaser.

**63.** Whosoever offers thereupon to pay the highest price and is the last bidder, becomes the purchaser of the immoveable so put up for sale; the said immoveable is immediately adjudged to him by the secretary-treasurer or other person holding the sale.

Price to be  
paid at once.

The purchaser is bound to pay the price of the immoveable immediately after the adjudication thereof.

Resale in de-  
fault, &c.

In default of the immediate payment thereof, the secretary-treasurer or the person holding the sale, at once puts the immoveable up again at auction, or adjourns the sale to another day, within nine days, by giving notice of such adjournment to all persons present, in a loud and intelligible voice.

Adjournment  
of sale.

If, at the time of the sale, no bid is made, or if all the lands advertised cannot be sold on the same day, the sale must be adjourned to any other day within nine days, in the manner set forth in this article.

Certificate to  
purchaser and  
his rights and  
obligations  
thereunder.

**64.** On payment by the purchaser of the amount of his purchase money, the secretary-treasurer shall give a certificate, under his signature, to such purchaser, specifying the particulars of such sale, and the purchaser may forthwith enter upon and take possession of such immoveable and enjoy the civil and natural fruits therefrom. The purchaser cannot, during the two years from the adjudication, despoil, destroy, change materially or deteriorate any portion of the said immoveable or allow the same to be damaged, saving the ordinary use thereof. The secretary-treasurer must, during the same month of October, give a special notice of the adjudication to every person entered on the valuation roll as the owner of the property adjudicated, by a registered letter mailed to the address of such person. If the debtor or proprietor has no known domicile, the notice must be sent to the occupant of the immoveable, unless it be a vacant lot, in which case the notice is not necessary.

Redemption  
of land so  
sold, &c.,

**65.** Every proprietor whose immoveable has been so adjudicated may resume possession of the same, within two years from the date of the adjudication, by paying to the

purchaser the price of sale, all expenses incurred for preserving the same, repairs, insurance premiums paid, all taxes imposed upon such immoveable, with fifteen per cent. on the whole, every fraction of a year being reckoned as a year, on all such moneys, whether taxes, costs, repairs or insurance. Such claims shall be privileged upon the property, and the purchaser may retain the property redeemed until fully paid. The purchaser shall, on the other hand, remit to the proprietor, at the time the redemption is effected, all the rents by him collected, without interest.

**66.** Any person, whether authorized or not, may redeem the lot in the same manner, but only in the name and for the benefit of the person who was the owner thereof at the time of the adjudication, according to the valuation roll in force. Who may redeem.

**67.** When the power of redemption is exercised, the parties must jointly notify in writing the secretary-treasurer of the town of such fact. Notice of redemption to be given to secretary-treasurer.

**68.** The council may, by resolution, at any time before the sale, prevent the sale of such of the said immoveables as it may deem advisable, in the interest of the corporation, to exempt from such sale. Sale may be stopped by council.

**69.** The corporation may bid upon such immoveable and become the purchaser thereof, through the mayor or any other person authorized by the council, without being obliged to pay the price of sale immediately. Corporation may bid.

**70.** The secretary-treasurer shall transmit to the registrar a list of the immoveables sold as aforesaid, within the eight days following the sale thereof, and for so doing he is entitled to fifty cents for each parcel of land mentioned in the list; one half whereof is sent by him to the registrar to pay the latter's fees on the deposit and entry thereof and for the cancellation. List of lands sold to be sent to registrar.

The provisions of article 5843 of the Revised Statutes, R. S., 5843, concerning sales for municipal taxes, shall apply to sales made under this section. R. S., 5843, to apply.

**71.** Whenever an immoveable is redeemed by the proprietor thereof, the secretary-treasurer must immediately inform the registrar of such redemption having been effected. Notice of redemption to be given to registrar.

**72.** If, after the adjudication of any property, any money remain out of the price of adjudication after the municipal and school rates, taxes and costs have been paid, the surplus is deposited by the secretary-treasurer in the municipal treasury, to be, after the redemption, finally handed over to the proprietor of the immoveable sold, on his demand. Deposit of surplus.

Report of distribution.

**73.** If the redemption be not effected, and if a surplus exists, the secretary-treasurer must procure from the registrar of the county of Richmond, a certificate of the privileges and hypothecs, which the land thus sold shall be subject to. The secretary-treasurer shall draw up a report of distribution, according to the rights of the parties, as shown by the certificate of hypothecs received from the registrar and according to the oppositions, claims and seizures placed in his hands.

Notice thereof and payment thereunder.

He gives public notice that such report of distribution has been prepared, and if, within eight days after the notice has been given, no contestation in writing is filed with him, he pays the money according to such report of distribution.

Contestations.

**74.** If any contestations are filed, he shall forward them to the office of the circuit court. They shall be submitted to the judge of the said court in chambers, who shall render judgment thereon and on the report of distribution, in a summary manner; the secretary-treasurer shall then pay the money in accordance with the judge's order.

Deed of sale to be given to purchaser after two years have elapsed.

**75.** If, at the expiration of two years from the time of such adjudication, the immovable so adjudged has not been redeemed, the purchaser shall remain the irrevocable owner thereof, and, upon proof of payment of all municipal dues and of all school taxes which shall become due and payable on the property during the interval, the secretary-treasurer, in the name of the corporation, shall execute a deed of sale in due form, conveying the immovable thus sold to the purchaser or his representatives, under his signature and the seal of the corporation, the purchaser paying previously the cost of such deed, together with the costs of the registration thereof; and the secretary-treasurer shall immediately cause the said deed to be registered in the proper registry office.

Effect of sale.

**76.** Such sale shall have the same effect as a sale by authority of justice, shall convey the ownership of the land adjudged, shall vest in the purchaser all the rights of the original owner, and shall purge the property from all claims, privileges and hypothecs to which it may be subject, except for the payment of municipal debentures or the taxes to pay the same or interest thereon.

Proceeding, if property advertised is seized by the sheriff.

**77.** If, before the sale of any property by the secretary-treasurer, the same be seized by the sheriff, the secretary-treasurer, upon being notified of such seizure by the seizing creditor or his attorney, shall not proceed with the same, but shall complete his advertisements, and shall, without delay, transmit to the sheriff a statement of the sums due

for municipal or school taxes, or dues and costs incurred on account thereof, which sums shall be paid by the sheriff, by privilege out of the proceeds of the sale.

**78.** If, on the day on which the sale is to take place, under the provisions of this act, the proceedings of the sheriff on the sale are discontinued or stopped by any opposition, the secretary-treasurer may sell the immoveable in the usual manner. If sheriff's sale stopped.

**79.** Articles 4557 and 4558 of the Revised Statutes shall not apply to the town. R. S., 4557 and 4558, not to apply to town.

**80.** Notwithstanding the foregoing provisions concerning the sale of immovables for taxes, and the separation of the town from the county of Richmond, any immoveable situate in the town may be lawfully adjudicated and sold for taxes by the secretary-treasurer of the county of Richmond, in the month of March, eighteen hundred and ninety-nine, under the provisions of the Municipal Code of the Province of Quebec, and a lawful deed of sale thereof, having the effect mentioned in said Code, may be given by the secretary-treasurer of said county, after the expiration of the delay and the fulfilment of the conditions determined by the said Municipal Code. Provisions as to sales of land for taxes in March, 1899.

#### SECTION IX.

##### FINES AND PENALTIES.

**81.** Every member or officer of the council who shall refuse or neglect to discharge his office, or to do a thing, or to fulfil a duty required from him, or which is imposed upon him by this act, by the town corporations' general act or by any by-law of the council, or who shall contravene in any way any of the provisions of this act, of the town corporations' general act, or of any of the by-laws of the council, shall be liable, for each offence, to the following fines, respectively : member of the council, twenty dollars ; officer of the council, ten dollars. Penalty for contravention upon members or officers of council.

**82.** The council may, in order to assure the execution of its by-laws, enact the imposition of punishment by fines with or without costs, or imprisonment with or without hard labor, and itself determine, in the by-laws, in an absolute or discretionary manner, the amount of the fine and the period of imprisonment ; and if the fine is imposed with or without costs, it may order the imprisonment in default of the immediate payment of the said fine and costs. Penalty for infringement.

If the by-law does not impose the penalty in an absolute manner, such punishment shall be inflicted in the discretion of the court ; but the fine cannot, in any case, be less than Discretion of the court. Proviso.

one dollar nor more than twenty dollars, with or without costs, and the imprisonment, less than one day nor more than one month, with or without hard labor.

## TITLE VI.

### MUNICIPAL FINANCES.

**Fiscal year.** **83.** The fiscal year in the town for all taxes, licenses, assessments, imposts or annual dues, shall commence on the first day of January and terminate on the last day of December, in each year, whatever may be the date or time of the year at which such taxes, licenses, assessments, imposts or dues have been imposed or have become due.

**Yearly statement of finance committee.** **84.** Before the session of the council in November, each year, a statement of the expenses to be provided for and of the probable revenue for the ensuing fiscal year, shall be prepared; and the council, when levying the taxes for that year, shall be guided by that statement and add to the total of expenses ten per cent. of that total to cover unforeseen wants and deficiencies in collections.

**Expenditure exceeding appropriations.** **85.** No committee shall incur liabilities and spend more than the amount of its appropriation, without the unanimous permission of the council, in session; and should any committee exceed in liabilities and expenditure the amount of its appropriation, without such permission, the members of such committee shall be personally responsible for such excess.

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## CAP. LXIX

An Act to authorize and ratify by-law No. 136 of the town of Salaberry de Valleyfield, granting a commutation of taxes to the Montreal Cotton Company.

[Assented to 10th March, 1899.]

**Preamble.**

**WHEREAS**, the town of Salaberry de Valleyfield has, by petition, represented that, in 1874, the Montreal Cotton Company established a cotton factory within its limits, and has since employed a considerable number of workmen and has paid a large amount in wages;

That the growth of the population, due to the construction of that factory, has proportionately increased the importance and prosperity of the town;



That the company obtained exemption from taxation until the first day of January, 1891, and commutation of taxes until the first day of January, 1899, and that at the latter date the company will be bound in future to pay its municipal taxes in full ;

That the said company notified the council of the said town of its intention to make considerable additions to its factory, if the town would grant it further aid in the form of a bonus, exemption, or commutation of taxes ;

That, subsequently, the company represented to the town council that it would be in the interests of the town and of the company if a further commutation of taxes were granted.

That at that time certain difficulties existed between the town and the company with reference to the water-works, the sewers, extension of territory, the streets on the property of the company, and others, which it is expedient to settle at the same time to secure the greatest amount of mutual benefit ;

That on the 16th day of April, 1898, the council of the said town passed a by-law, being number 136 of its by-laws, granting for ten years, from the first day of January, 1899, a commutation of taxes in favour of the said Montreal Cotton Company, upon the said company paying to the town five thousand dollars per annum and complying with the conditions of the said by-law ;

That, on the 27th day of April, 1898, the said by law was unanimously approved by the electors of the town who are property holders, and accepted by the company on the 4th day of May, 1898 ;

That by the charter of the said town, 57 Victoria, chapter 63, as amended by the act 61 Victoria, chapter 59, the exercise of the powers conferred upon the town with respect to exemption and commutation of taxes not being subject to renewal, the said by-law was adopted conditionally upon the authorization and ratification of the same by the Legislature of this Province ;

That the authorization and ratification of such by-law would greatly contribute to the prosperity of the said town ;

Whereas, in its petition, the said town has prayed that an act be passed to that effect, and it is expedient to grant its prayer ;

Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

1. Notwithstanding any law to the contrary, and the provisions of the charter of the town of Salaberry de Valleyfield, 57 Victoria, chapter 63, as amended by 61 Victoria, chapter 59, by-law number 136 of the by-laws of the town of Salaberry de Valleyfield, granting a commutation of taxes to the Montreal Cotton Company for ten years, from

Certain by-law ratified and confirmed.

the 1st day of January, 1899, is authorized and ratified and shall have its full and entire effect.

Coming into  
force.

2. This act shall come into force on the day of its sanction.

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## SCHEDULE

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### BY-LAW NUMBER 136

BY-LAW authorizing the town of Salaberry de Valleyfield to grant aid in the form of commutation of taxes to the Montreal Cotton Company, and to settle certain difficulties existing between the said company and the said town.

At the regular monthly meeting of the council of the town of Salaberry de Valleyfield, held in the town-hall on Saturday, the 16th day of April, 1898, at three o'clock in the afternoon, in accordance with the adjournment of the last meeting conformably to the provisions of the charter of the town, at which meeting were present : His Worship the mayor, George M. Loy, and councillors, Messrs E. Gauthier, J. A. N. Bourassa, O. Longtin, L. Gendron, T. Bélanger and O. Billette, being all the members of the town council, under the presidency of his worship the mayor.

It was ordered and enacted by the council of the town of Salaberry de Valleyfield, and the said town council orders and enacts as follows, to wit :

Whereas, in 1874, the Montreal Cotton Company established a cotton factory within the limits of the town of Salaberry de Valleyfield, and has since then employed a considerable number of workmen, and has regularly paid its employees a large sum in wages ;

Whereas the growth of the population due to the construction of the factory has proportionately increased the importance and prosperity of the town ;

Whereas at the time when the said factory was established, the company obtained exemption from taxes for a certain number of years, which expired on the first day of January, 1891, and since the latter date the taxes on the said company and on the properties used for its industry were commuted, such commutation of taxes expiring on the first day of January next (1899) ;

Whereas all the privileges conferred upon the company by the said agreements for exemption and commutation of taxes were extinguished and ended on the first day of January, and the company was bound to pay its municipal taxes in full for the future ;

Whereas the company has proved to the council of the town that through the success of its operations in the town since its establishment it has greatly contributed to the material progress of the town ;

Whereas it has expressed its intention of making in the near future considerable additions to its factory, and has for these reasons requested the town to grant it further aid both in the form of a bonus in money or in bonds of the town, and in the form of exemption from, or commutation of, municipal taxes, or of each or several of such methods at the same time ;

Whereas by the charter of the town the exercise of the rights and powers conferred upon the town with reference to exemption or commutation of taxes is not subject to renewal ;

Whereas the town has always been well disposed towards the company, and is still prepared to grant it reasonable aid ;

Whereas the company has represented to the town that it would be in the interest of the town and of the company to grant it a further commutation of taxes on the terms and conditions hereinafter mentioned ;

Whereas certain difficulties exist between the town and the company with respect to the water-works, sewerage, annexation of territory, the streets on the property of the company, and others, to which it is advisable to put an end once and for all so as to secure the greatest amount of mutual benefit resulting from the adoption of the present by-law and its approval by the electors of the town, who are property holders. Therefore :

#### SECTION FIRST.

The council of the town of Salaberry de Valleyfield agrees to accept and accepts from the Montreal Cotton Company for a period of ten years, commencing to run from the first day of January, 1899, as the price of the commutation of all assessments upon the properties occupied by the company for the purposes of its industry, to wit : the manufacture of cotton only, as well as for the industry itself, both for the part now in operation, and for the additions and improvements that shall be made by the company during the said ten years, the sum of five thousand dollars (\$5,000,) annually, payable at the same time as other municipal taxes without discount.

#### SECTION SECOND.

The above-mentioned commutation shall be granted upon the following conditions, namely :

1. The company shall build, within the limits of the town of Salaberry de Valleyfield, additions or extensions to its present factory for the manufacture of cotton to an addi-

tional amount, including the necessary plant for the working of said factory, of at least four hundred thousand dollars. (\$400,000) such expenditure must be effected by the company on or before the first day of January, 1900, and the said company shall further give employment to at least three hundred persons on an average, over and above the present number of their employees, except however for a period of not more than thirty days in each year to enable it to effect repairs, unless an accident to the factory or an epidemic should imperatively call for the closing of the factory for a longer time :

2. The company shall through one of its officers give the town twice a year on demand to that effect a list of the persons employed in its factory, with a solemn declaration or affidavit certifying to its correctness, that at the date of the declaration an average of at least 300 persons have been permanently employed, over and above the number of their present employees from the first day of January, 1900, or from the date of the last declaration ; and, in default of the company supplying such solemn declaration or affidavit within fifteen days from the date of the demand thereof made upon them by registered letter from the secretary-treasurer of the town, the company shall forfeit the benefit of the exemption of taxes granted by the present by-law for the current year.

In the event of the company not employing an average of 300 persons, over and above the number now employed by it, it shall pay annually to the town the sum of five dollars (\$5) for each person to whom it does not give employment as aforesaid under the present number of its employees :

3. All the employees of the company must reside within the limits of the town of Salaberry de Valleyfield, in default whereof the company shall pay annually to the town the sum of two dollars (\$2) for each person so employed by the company and who shall not reside within the limits of the town, representing the amount or annual value of the taxes which the town has a right to expect from the employees of the said factory in consequence of the sacrifices which it imposes upon itself in granting the said commutation

#### SECTION THIRD

The above commutation of taxes is granted solely, provided the other conditions which follow be fulfilled on both sides :

1. The company renounces in favor of the town all the rights which it has acquired to establish and maintain water-works within the limits of the town, by resolution of the town adopted at its meeting on the 7th day of September, 1881, and by various subsequent resolutions, and assigns and sells and makes over to the said town all the main pipes in

the streets, hydrants and private connections to a distance of two feet within private properties and buildings supplied with water from the said water-works, as well as the discharge pipes and sewers in the said streets, and laid by the company, both within the limits of the town and outside thereof in the parish of Ste. Cécile, on the property of the company or on that of other persons; in a word, everything forming part of the said water-works and the said sewers, with the exception of the reservoirs of the said company and the connecting pipes from Dufferin street, and it renounces the use of such reservoirs, or such others as the company might hereafter have belonging to them for the purpose, except for the use of the factories belonging to the said company.

The said abandonment and transfer are made in consideration of twenty thousand dollars (\$20,000) which the town shall pay to the company in cash, or in debentures of the town to the same amount bearing interest at four per cent. per annum payable half yearly, which debentures shall be redeemable in twenty-five years from the first day of May next (1899), and the town shall take possession of the water-works upon the payment of such sum, or upon the delivery of its debentures to the company.

This transfer is further made upon the following conditions :

(a) The company shall at its own expense have the necessary work done to cut the connection between its reservoirs and the pipes in Dufferin street.

(b) The town shall supply water from the Valleyfield water-works for the needs of the buildings situate on the company's properties hereinafter described at the same rates and subject to the same conditions and municipal regulations as in the case of other persons now supplied with water from the said Valleyfield water-works ;

2. To secure better protection for the said factories against fire, the town allows the company to connect its system with the main pipes of the water-works of the town in Dufferin street, by means of a valve put in by the said company, and maintained at its expense, and such valve shall be kept locked, the company supplying two keys to the town, one for the superintendent of the water-works and the other for the chief of the fire department, and each of the parties may open the valve in case of fire.

None of the parties shall open the valve except for the purpose of inspecting it, nor use the water belonging to the other except in the case of fire, without previously having obtained special permission from the other party ;

3. The company transfers and makes over to the town, without compensation, all the streets opened on its property, either in the present limits of the town, or in the territory which the company consents to annex to the town under the

present by-law, on condition that the town shall keep them in order for the use of the public like the other streets of the town, and for the needs of the locality.

The company undertakes to complete the macadamizing of the street called the Avenue, where such street runs through the property of the company ;

4. In the event of the town entering into an arrangement with the Government of Canada to assume the charge and maintenance of the drain made by the Government, now in the street within the limits of the town, and which discharges into that branch of the river Saint Lawrence serving as a tail-race to the factories, passing through the company's property, the latter consents that the town, through its officers and employees, shall have free access to the said drain and its surroundings on the property of the company for the purpose of inspecting the same, or making the necessary repairs to the said drain, and for keeping it in order and for making all necessary connections therewith, the whole without compensation ;

5. The town allows the railway line connecting the buildings of the cotton factory with the Canada Atlantic Railway to remain as it is at present, but the company shall maintain the crossings at its own expense, and shall be liable as regards the town for all damages which may be done through any cause whatsoever, because the said railway line is so built for the exclusive benefit of the company ;

6. The company consents that the following territory or property belonging to it and adjacent to the town be annexed to it, namely :

That extent of territory of irregular form situate in the parish of Sainte Cécile which forms part of the lots known and distinguished on the official plan and book of reference of the parish of Sainte Cecile, under the numbers eighty-seven (87), eighty-eight (88), eighty-nine (89), ninety (90) and ninety-one (91), bounded on the south partly by the northern limits of Salaberry de Valleyfield, and partly by that branch of the river Saint Lawrence which serves as the tail-race for the factories ; on the north, by the land taken for the Canada Atlantic Railway ; on the east, by parts of lots number eighty-five (85) and eighty-six (86), of the said parish ; and on the west, by the highway separating lots ninety-one (91) and ninety-two (92) from the said parish, and forming an area of about forty-nine (49) arpents, and fifty-one (51) perches, with the buildings thereon erected, except the lots sold to third parties. The territory so annexed shall form part of the North Ward of the town to which it shall be annexed for all purposes whatever. Nevertheless, in the event of by-law number one hundred and forty-one (141) of this council respecting the annexation of Belle Rive being adopted, the lots above described shall form part of the new ward established by such by-law ;

7. If, for any reason whatsoever, it should happen that the said land belonging to the company be not annexed to the town, then the company, over and above its ordinary taxes, commuted as aforesaid, shall pay to the town annually a sum of one thousand dollars (\$1,000) representing the annual revenue of which the town shall thus be deprived by such annexation not being effected, and upon which it relies in consenting to the above commutation hereby granted ;

8. The company consents to the town building a bridge over the tail-race between Petite Ile and Grande Ile, with a pier if necessary, at the expense of the town, but only when the dredging of the tail-race shall be completed, but at no time after six years if the said dredging be not completed within that delay ; and the company binds itself to give, free of charge, from its property on the north side of the tail-race, the street that shall be required to connect with the said bridge and Dufferin street ;

9. The town declares that the Cotton Company has complied with the requirement of by-law number one hundred and twenty one (121) respecting the establishment of an electrical power house and is entitled to enjoy the benefits of such by-law as regards such power.

It is hereby agreed that this declaration shall not be interpreted in such manner as to authorize any other company or person whomsoever to whom the Montreal Cotton Company might supply power, to take advantage of the exemption from taxation upon any of its industrial properties in the town or in existence, or which may hereafter be built and put in operation.

The said by law number one hundred and twenty-one (121) is amended accordingly ;

10. The company declares that it does not and will not in the future prevent the town discharging any of its drains into the tail-race at the places where they now discharge, or at other places which might be found more convenient in the future, and that it shall not for that reason be entitled to any compensation for any reason whatsoever.

#### SECTION FOURTH.

In order to pay the purchase price of the water-works' system belonging to the company :

1. The council of the town of Salaberry de Valleyfield is hereby authorized to effect a loan of twenty thousand dollars (\$20,000) ;

2. Twenty bonds or debentures, to the amount of one thousand dollars (\$1,000,) each, shall be issued under the signature of the mayor and the countersignature of the secretary-treasurer and the seal of the town ;

3. Such bonds shall be made payable at the Montreal Bank to bearer, in twenty-five years from the first day of May eighteen hundred and ninety-nine (1899), and shall bear interest, payable half-yearly on the first days of May and of November in each year, at a rate not exceeding four per cent. per annum, and coupons shall be annexed to the bonds for the payment of the interest thereon, which coupons, when signed by the mayor and countersigned by the secretary-treasurer (such signatures being lithographed or printed), shall be payable respectively to the bearers thereof, when and so soon as the half-yearly interest mentioned therein shall become due, and they shall when paid be delivered to the secretary-treasurer ;

4. To extinguish the capital of twenty thousand dollars. (\$20,000) a sinking fund of one per cent. per annum on the amount of the said bonds is by this by-law established, and to provide for the payment of such sinking fund and of the interest to accrue on the capital, a special yearly tax of one thousand dollars is by this by-law imposed on all property taxable in similar cases within the town of Salaberry de Valenfield to be apportioned yearly until the said bonds are paid.

Such special tax shall be due, leviable and payable in the same manner as the other taxes and assessments which the council is authorized to levy every year ;

5. The sinking fund above established may be employed by the town council either in redeeming the bonds issued under this by-law according to the agreement which may be made between the lender and the town council, or in redeeming or paying any other bonds previously issued by the town.

#### SECTION FIFTH.

The Montreal Cotton Company shall not be entitled to the commutation granted to it by this by-law, nor avail itself of the other rights and powers hereby conferred upon it, unless it shall have notified the town council in writing of its intention to accept the same as well as the various conditions and stipulations set forth therein. Such notification and notice shall be given to the town council within thirty days following the approval by the electors of the town, who are property holders, in default whereof this by-law shall be null and void to all intents and purposes.

A solemn declaration as required by paragraph 3 of section second, establishing the number of the present employees of the company, shall accompany the notice of acceptance required under the foregoing paragraph. A copy of this by-law shall be sent to the company by registered letter of the secretary-treasurer of the town council, immediately after its approval by the electors of the town, who are property holders.



The town shall apply to the Quebec Legislature for a special act ratifying and confirming the present by-law, and, in the event of the said Legislature not deeming it advisable to grant such ratification and confirmation, and of the company being declared by a competent court to be liable for an annual tax heavier than that declared to be accepted by this by-law, it shall pay such heavier tax without any recourse against the town.

Proceedings for that object shall be taken under the direction of the town,, and the costs of such application and ratification shall be repaid to the town by the company.

(Signed,) GEO. M. LOY,

*Mayor.*

[L.S.]

“ C. A. LAVIMODIERE,

*Secretary-Treasurer.*

True copy,

(Signed.) C. A. LAVIMODIERE,

*Secretary-Treasurer.*

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## C A P. L X X

An Act to ratify and confirm a certain by-law of the town of Magog.

[Assented to 10th March, 1899.]

**W**HEREAS the corporation of the town of Magog has, by Preamble. its petition, prayed for an act to ratify and confirm by-law No. 60 passed, on the 8th of July, 1898, by the corporation of the town of Magog, exempting the Dominion Cotton Mills Company, limited, from all municipal taxes and assessments on the property of the company, situated within the limits of the corporation of the said town of Magog, for a period of twenty-five years; and whereas it is expedient to grant the prayer of the said petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

1. The by-law, hereto annexed, passed by the corporation of the town of Magog on the 8th day of July, 1898, and known as by-law No. 60, exempting the Dominion Cotton

Certain by-law confirmed.

Mills Company, limited, from all municipal taxes and assessments on their property, situated within the limits of the corporation of the said town of Magog, for a period of twenty-five years, as set forth in said by-law, is hereby ratified, confirmed and declared valid.

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BY-LAW No. 60.

Whereas the Dominion Cotton Mills Company, limited, a body politic and corporate duly incorporated with its head office in the city of Montreal, has established an industrial and manufacturing business within the limits of the town of Magog; and

Whereas the said Dominion Cotton Mills Company, limited, have agreed to enlarge their said works by the erection of new and additional buildings and works for the purpose of the said manufactory within the immediate future, without which the present by-law would not have been enacted and passed by the said corporation; and

Whereas the said Dominion Cotton Mills Company, limited, have asked that the said town of Magog should favor and assist the establishment and the carrying on of the said works and factories by exempting each and all of them, together with the lands, water-power and appurtenances thereunto belonging, from all municipal taxes for a term or period of twenty-five years; and

Whereas, in view of the many and great advantages which will accrue to the said town of Magog from the establishment of such additional works, and the operation thereof, together with the existing works already established within its limits and such works and factories, it is therefore enacted:

That each, every and all lands hereinafter described, known and distinguished on the cadastral plan and book of reference of the town of Magog as lots eleven hundred and twenty-six (1126), fourteen hundred and eleven (1411), fourteen hundred and seventy-two-A (1472 A) and two hundred and seventy-four-A (274-A) including the canal and dam and accessories thereto, and all other lands—in addition to those above-mentioned—required and used for manufacturing purposes—as well as all factory buildings, plant or machinery of every nature and kind whatsoever—used in the operation of the said factories, lying, being and erected and which may be erected—are hereby exempt from all municipal taxes for the said term of twenty-five years, reckoned from the passing of this present by-law.

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## CAP. LXXI

An Act respecting the village of Verdun.

[Assented to 10th March, 1899.]

**W**HEREAS the corporation of the village of Verdun has, Preamble.  
by petition, prayed for an act to amend the acts 40  
Victoria, chapter 41, and 60 Victoria, chapter 69, respecting  
the said village, and to extend the powers conferred upon it  
by said acts, and whereas it is expedient to grant the said  
prayer ;

Therefore, Her Majesty, by and with the advice and con-  
sent of the Legislature of Quebec, enacts as follows :

1. Section 3 of the act 60 Victoria, chapter 69, is amended 60 V., c. 69,  
by adding thereto the following : s. 3, amended.

“ 6. To impose and levy a special tax upon resident carters Special tax upon certain trades and callings.  
doing business in the municipality ; upon proprietors of  
horses and vehicles, for each horse or vehicle ; upon brokers,  
money-lenders or commission merchants ; upon pawnbrokers  
and auctioneers ; upon clubs ; upon proprietors or occupants  
of houses of public entertainment, hotels, saloons, inns, coffee-  
houses, restaurants, temperance hotels ; upon dealers in spirit-  
uous liquors ; upon peddlars selling or offering for sale in the  
municipality articles of commerce of any kind whatsoever ;  
upon proprietors, possessors, agents, managers or occupants  
of theatres, circuses, menageries or minstrels ; upon public  
places of amusement kept open for profit ; upon billiard tables,  
mississippi or pigeon-hole tables ; upon bowling alleys and  
other similar games ; upon livery-stable keepers ; upon gro-  
cers, bakers, butchers, hawkers, hucksters, brewers, distillers ;  
upon traders and manufacturers and their agents ; upon pro-  
prietors and keepers of wood-yards, coal-yards and slaughter  
houses in the municipality ; upon building societies, insur-  
ance companies and their agents and employees whether  
they reside in the municipality or not ; upon gas, telegraph  
or telephone and other companies doing business in the  
municipality, and generally on all commerce, manufactures,  
callings, arts, trades and professions which have been or may  
be introduced or exercised in the said municipality ; and the  
amount of such annual dues or tax or taxes shall be fixed and  
determined by one or more by-laws of the municipality, and  
shall be fixed and determined by the council in its discretion,  
either in certain cases at a specified sum or in other cases at  
a percentage upon the annual value of the property and prem-  
ises occupied by the said persons in the municipality, and  
in or upon which they do business or carry on or exercise  
such trade, manufacture, occupation, business, art, profession,  
or means of livelihood or profit ; provided that in no case

shall any of such amounts exceed one hundred dollars per annum, and provided there is nothing herein inconsistent with any public statute.

Payable annually.

Discount for prepayments.

Every tax or assessment imposed by virtue of the foregoing provisions shall be payable annually, at the time fixed by such by-law; and a discount for prepayment may be allowed.

Id., sections added.

2. The said act 60 Victoria, chapter 69, is amended by adding thereto the following sections:

Special tax may be in the form of license.

"4. The council may order that every special tax imposed on trades, business or corporations, in the discretion of the council, be imposed and levied in the form of a license, and thereupon such special tax shall be payable annually, at such time and under such conditions and restrictions as the council may determine.

Special license for sale of bankrupt stocks, &c.

"5. The council may, moreover, by resolution or by by-law, impose and levy, by special license, a sum not exceeding one hundred dollars on every person coming temporarily into the municipality to sell or cause to be sold therein any goods derived, in whole or in part, from a bankrupt stock, by public auction or private sale.

Persons carrying on business liable to full tax although only carried on for part of year. Proviso.

"6. Every person, who, during the fiscal year, carries on or practises any kind of business, trade or occupation which renders him liable to the business-tax, shall be bound to pay the whole of such tax, whatever may be the period of the year at which the same may become due, unless the council remits a portion of such tax on account of the short time remaining to run.

License may be required for non-residents.

"7. The council may, by by-law, prevent any person residing beyond the limits of the municipality, from carrying on his trade or business within the municipality, without being authorized thereto by a license from the municipality for the purpose of such trade or business.

License may also be required for persons soliciting orders, &c.

"8. The council may also, by by-law, prevent all persons residing outside of the municipality from, either personally or through his employees, soliciting or taking orders for the delivery of goods, or offering such goods for sale, without having previously obtained from the corporation the license required for that kind of business.

Commercial travellers.

The provisions of this and of the preceding article shall not apply to commercial travellers."

Certain agreement ratified.

3. The agreement, appendix A of this act, between the municipality of the village of Verdun and the Montreal Street Railway Company, executed at Montreal, before John

Fair, N. P., on the 5th day of January, 1899, is hereby ratified and confirmed.

Nothing in this clause shall affect the rights of third parties. Rights of third parties.

4. The island, situated in the river St. Lawrence, and known under the name of Isle St. Paul, shall be regulated and governed by the county council and by its officers in the same manner as if the said island was a distinct municipality. Provisions respecting Isle St. Paul and its government.

The island shall, however, as heretofore, form part of the dissentient Roman Catholic school municipality of Verdun.

5. This act shall come into force on the day of its sanction. Coming into force.

#### APPENDIX A.

Before Mtre. JOHN FAIR, the undersigned Notary Public for the Province of Quebec, residing and practising at the city of Montreal.

#### APPEARED :

THE CORPORATION OF THE MUNICIPALITY OF THE VILLAGE OF VERDUN, a body politic duly incorporated, having its seat of business at the village of Verdun, in the county of Hochelaga ;

Herein acting by HENRY HADLEY, the mayor, and JOHN CRAWFORD, a councillor of the said village of Verdun, both residing at Verdun aforesaid, and duly authorized for the purposes hereof, in virtue of a resolution passed at a meeting of the council of said village, held on the third day of January instant, whereof a certified copy is hereto annexed, to form part hereof, after being signed by the parties hereto and said notary,

*Of the one part*

And THE MONTREAL STREET RAILWAY COMPANY, a body politic and corporate, duly incorporated, having its head office at the city of Montreal, (hereinafter called the "company") ;

Herein acting and represented by the Honorable LOUIS JOSEPH FORGET, senator, the president, and MARTIN H. WATTS, the secretary thereof, both residing at the said city of Montreal, and both duly authorized for the purposes hereof, in virtue of a resolution of the directors of said company passed at their meeting held on the fourth

day of January instant, whereof a certified copy is hereto annexed, after being signed by the parties hereto and said notary,

*Of the other part.*

Whereas, in the interests of the said municipality, and its inhabitants, it is urgent that a street railway service be established as soon as possible in the said municipality ;

NOW THEREFORE THESE PRESENTS AND SAID NOTARY WITNESS that the said parties have entered into the following contract and agreement :

*First.*—The said company shall establish and operate, subject to the conditions hereinafter mentioned, lines of railway, in the streets hereinafter mentioned, for the conveyance of passengers, freight and mails, in the village of Verdun, by means of cars propelled by electricity or other motive power employed by the company in the city of Montreal :

1. From the present terminus of the company's line on Wellington street at the western limits of the city of Montreal, along the Lower Lachine turnpike road, within the municipality of Verdun to its junction with Mullarkey avenue, thence westerly along a street within the municipality of Verdun, known as Wellington street, as far as Rielle avenue, the distance being about five thousand feet, more or less.

2. The company undertakes to extend its line to the western limits of the municipality, either along the turnpike road, known as the Lower Lachine road, or another route to be mutually agreed upon, as soon after the first day of May next (1899) as the season will permit.

3. The company also undertakes to construct its railway, from time to time, hereafter, in such other streets as may be determined by mutual consent when the public service is shown to require it.

*Second.*—The said village hereby grants to the company the exclusive franchise for operating street railways within the limits of the village for thirty years, with exemption from all municipal taxation with respect to the railway and all property used in connection therewith, and undertakes at the next session of the Legislature of Quebec to apply for confirmation of said grant and exemption. The said municipality undertakes not to consent to the construction or operation of any lines of street railway within the limits of the village by any other person or corporation. The company undertakes to construct and operate the lines of railway above-mentioned in consideration of and relying on the above grant and undertakings.

*Third.*—The said village of Verdun shall grant to the said company all rights and privileges necessary for the proper

and efficient use of electric or other approved motive power (should the said company desire to adopt any improved motive power) to operate cars in the said streets of the said village in the manner successfully in use elsewhere, including the right to open the said streets for the purpose of inserting and maintaining and the right to insert and maintain ties, rails, poles and all other apparatus necessary for constructing the said railway and for supporting the wires conveying electric power. The right of way for all lines shall be provided by the said village of Verdun, by whom also all necessary grading shall be done to the full width of the streets as homologated, and the said village shall also provide all necessary bridges, drains and culverts in order to ensure the protection of the company's tracks against floods or wash-outs.

*Fourth.*—All the works necessary for constructing and laying down the said several railway tracks (including the location of the tracks) in the said several streets shall be made with care, according to the most modern scientific principles.

*Fifth.*—The guage of the said railway shall be four feet eight and one-half inches.

*Sixth.*—The pattern of rail to be used by the said company shall be the "T" (tee) or locomotive rail, until asphalt, wooden block or other permanent pavement shall be made in one or more of the streets used by the said company, and then, as each of such streets is so paved, the said company obliges itself to remove, at its own expense, the said "T" (tee) rail and to place in its stead such other rail as is in general use in the said city of Montreal in paved streets.

*Seventh.*—The said company, in the construction of the said railway tracks, shall, subject, however, to clause three of this agreement, conform to the grades of the streets through which the said tracks shall run, as furnished by the municipality, and shall not in any way alter the same.

*Eighth.*—In the construction of the said railway, the said company, after having made the excavations and laid down the rails and other apparatus belonging to the road, shall remove all the surplus earth and other material arising from said excavations, and shall, at its own expense, reconstruct that part of the streets wherein such excavations have been made, in order to restore it to its original condition; but should the said village take advantage of such excavations to substitute another kind of pavement in such street or streets (in whole or in part), then the said village shall be entitled to recover from the said company an amount equal to the expenditure to which the latter would have been put if the portion excavated had only had to be restored to its original condition. The said village shall provide the said company

with a convenient dumping place for such surplus earth and other materials, at a distance not greater than one mile from their place of origin.

*Ninth.*—The said company shall have the right at all times to open any of the streets of the said village for the necessary purposes of its business ; but in such cases the said company shall restore the said streets to the condition in which they were before being so opened by them.

*Tenth.*—If, at any time after the rails of the said company shall be laid, a new grade be established in any street where the rails of the said company are laid, or if a new pavement be ordered to be made and be laid by the said village in any such street, the said company shall perform the necessary work to conform its tracks to such new grade of pavement ; the cost of such work, however, to be re-imbursed to the said company by the said village.

*Eleventh.*—The said village shall have the right to take possession of and use any of the streets traversed by the rails of the said company, or any section thereof, that may be required, either for the purpose of altering the grade thereof or for constructing or repairing drains or for laying down or repairing water, sewage, or gas pipes or for other purposes within the rights and privileges of the said village, and the said company shall not be entitled to claim any compensation or damages therefor ; the tracks in such cases to be relaid by the said company at the expense of the said village ; provided, however, that such works be performed with all despatch and in such a manner as to hinder or delay as little as possible the running of the company's cars, and provided also that the cost of any temporary facilities found necessary for the running of the said cars during the carrying on of such works shall be borne by the said village.

*Twelfth.*—No person shall enter or leave the cars while in motion.

*Thirteenth.*—The conductors shall speak both languages and shall announce in both languages to the passengers the names of the streets as the car reaches them.

*Fourteenth.*—The route through which each car has to run shall be conspicuously marked on the outside.

*Fifteenth.*—Each car or other vehicle used by the company shall be numbered on the outside.

*Sixteenth.*—Each car shall be supplied with a gong which shall be sounded by the driver whenever necessary to warn the public of the approach of the cars.

*Seventeenth.*—The company shall be entitled to charge a fare of five cents each way for the conveyance of a passenger to or from any point in the said village of Verdun within



a distance of one mile from the said terminus of its said Wellington street line at the said western limits of the said city of Montreal from or to any point in the said city of Montreal, the city of St. Henry, the city of Ste Cunégonde, the town of Westmount, and the town of Maisonneuve, except between the hours of twelve p. m. and six a. m., when they shall have the right to charge ten cents, without transfer. Provided a passenger is travelling continuously by the shortest route and always in a direction away from the point at which he embarked upon the cars, he shall be entitled to a transfer without additional charge at any point where the routes connect or intersect. Children in arms shall be conveyed "free of charge." Between the said one mile limit and any point beyond the same the company shall be entitled to charge an extra fare between six a. m. and twelve p. m., payable in cash or its equivalent in tickets, and a double extra fare, without transfer, between twelve p. m. and six a. m., payable in cash.

*Eighteenth.*—The said company shall also be held to sell, in all its offices and cars, tickets at the rate of six for twenty-five cents and twenty-five for one dollar, and to provide tickets for school children residing in the said village or its vicinity, at the rate of ten for twenty-five cents; and the said company shall also sell eight tickets for twenty-five cents, available on all week days at the hours at which similar tickets are available in the city of Montreal.

*Nineteenth.*—The cars shall run from six of the clock in the morning to twelve of the clock in the evening on all lines, with the privilege to the company of running to six of the clock in the morning. After midnight to six of the clock in the morning, the fares shall be as provided in clause seventeen of this agreement.

*Twentieth.*—The cars shall run at intervals of twenty minutes.

*Twenty-first.*—The said company shall hold the said village harmless and indemnified against all damages which may be occasioned to any person by reason of the construction, maintenance, repairs or operation of the said railway, except such damages as may be caused by the removal or non-removal of the snow, as provided in clause twenty-three of this agreement, in which case the damages are to be borne by the said village.

*Twenty-second.*—When the said company shall begin work in any street, it shall be held to pursue the same diligently and without avoidable interruption.

*Twenty-third.*—The said company shall clear its tracks of ice and snow by the aid of electrical sweepers or other mechanical devices, or by manual labor, and the said village

shall remove such snow and ice from the streets in which the company's lines are operated, together with all other snow and ice either thrown or falling into the said streets, in such a manner that the depth of snow and ice upon the said streets shall never exceed about six inches, one-half of the expense of such removal to be borne by the said village and the other half by the said company.

*Twenty-fourth.*—The cars and carriages of the said company shall have the exclusive right of way along the streets where its rails are laid, and all other vehicles using the said street, whether meeting or proceeding in the same direction as the said cars or carriages, shall turn out of the track of the said railway, and permit the said cars and carriages to pass, and shall, in no case and under no pretence whatever, obstruct or hinder the passage thereof and the free use of the said railway by the said cars and carriages of the said company.

*Twenty-fifth.*—At the expiration of the said term of thirty years, and at the expiration of every term of five years thereafter, the said village shall have the right, after a notice of six months to the said company, to be given within the twelve months preceding the expiration of the said thirty years, and also, after a like notice of six months, at the end of every subsequent five years, to assume the ownership of the said railway and all its real estate, appurtenances, plant and vehicles belonging to the said company, situate in the said village of Verdun, and necessary for the operation of its line, on payment of their value, to be determined by arbitrators, together with an additional ten per centum thereon, said arbitrators to be appointed as follows, viz: one by the said company, one by the said village, and the third by a judge of the superior court sitting in and for the district of Montreal.

*Twenty-sixth.*—In case the said company shall, at any time, after being duly notified, fail to comply with, or should it contravene any of the conditions or obligations imposed upon it by these presents, the said company shall be liable to, and shall incur a penalty not exceeding ten dollars (\$10.00) for each and every day it shall neglect to comply with or shall contravene any of said conditions or obligations, and the penalty imposed by this present clause shall be recoverable in the same manner as other fines and penalties. The enforcement of this clause shall devolve upon the mayor, as representing the said village, or such other person or persons as may be hereafter appointed by the council of the said village.

*Twenty-seventh.*—The obtaining of the confirmation above-mentioned by the village is a condition precedent to the obligation of the company to construct or operate the railway.

*Twenty-eighth.*—The said village and said company shall pay the costs of these presents, and of two authentic copies hereof for themselves, in equal shares.

WHEREOF ACTE,

Done and passed, at the said city of Montreal, on this fifth day of January, eighteen hundred and ninety-nine, and of record in the office of the undersigned notary, under the number seven thousand eight hundred and forty-seven.

And the said appearers, after due reading hereof, signed in presence of the said notary.

(Signed)

HENRY HADLEY,

*Mayor.*

“

JNO. CRAWFORD.

For the Montreal Street Railway :

“

L. J. FORGET,

*President.*

“

MARTIN H. WATTS,

*Secretary.*

“

JOHN FAIR, *N. P.*

A true copy of the original hereof remaining of record in my office.

(Signed)

JOHN FAIR, *N. P.*

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CAP. LXXII

An Act to amend the act respecting the school commissioners for the municipality of the town of Westmount and to make certain provisions respecting school taxes in the said town.

[Assented to 10th March, 1899.]

WHEREAS the said school commissioners have, by their Preamble. petition, represented, that it has become necessary to provide additional school accommodation in the municipality, and to simplify the manner of collecting school taxes therein, and that the powers hitherto vested in the said commissioners are insufficient for such purposes and should be enlarged and further provision made as hereinafter set forth, and

have prayed for the passing of an act as hereinafter set forth, and whereas it is expedient to grant their prayer;

Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

56 V., c. 80, s. 8 replaced. **1.** Section 8 of the act 56 Victoria, chapter 80, is replaced by the following:

Commissioners authorized to spend money for purchasing lands, &c.

Proviso.

**" 8.** The said school commissioners, with the authorization of the Superintendent of Public Instruction, may expend, from time to time, such sum or sums of money as they may deem necessary for the acquisition of lands and the constructing and furnishing of school-houses or for any purpose within their jurisdiction, without limitation as to the amount to be expended on any one school-house, provided that the whole debt of the said school corporation shall not, at any time, exceed the sum of two hundred thousand dollars."

#### COLLECTION OF SCHOOL TAXES.

Certified list of dissentients to be sent to secretary-treasurer of municipal council in July, annually.

To be handled by him to valuers.

Entry to be made in valuation roll.

Appeal by persons aggrieved by entry.

**2.** During the first five days of the month of July in each year, the secretary-treasurer of said commissioners shall transmit to the secretary-treasurer of the municipal council of the said town, a certified list of the persons who shall have given notice of their dissent in virtue of articles 1985, 1990 and 1993 of the Revised Statutes of Quebec, as amended by the acts 54 Victoria, chapter 21, section 4, and 57 Victoria, chapter 22, section 5.

The said list shall forthwith be delivered by the last named secretary-treasurer to the valuers then in office appointed by the municipal council of the said town.

**3.** In preparing the annual municipal valuation roll, the said valuers shall indicate the taxable properties therein inserted by them in the names of the persons mentioned in the said list of dissentients as proprietors, by inserting on the said roll, opposite to the entry of each such property, the word "dissentient" or a sufficient abbreviation thereof.

**4.** Any person who shall deem himself aggrieved by the insertion of the said word "dissentient" or the abbreviation thereof, in respect of his property or by the omission thereof, shall be held to be duly notified by the ordinary notice of deposit and examination of said roll, and may make appeal to the municipal council, within the delay and in the manner indicated in articles 4505 and 4506 of the said Revised Statutes; and the said council shall decide all such complaints and deal therewith according to the provisions of article 4507 of the said Revised Statutes, and may amend the roll by inserting the said word "dissentient" or its abbreviation,

or striking out the same according to circumstances, and subject to previous observance of the requirements of the law respecting the giving of notice of dissent.

5. As soon as the said valuation roll shall have been homologated, the secretary-treasurer of the said municipal council shall be bound on demand to deliver to the secretary-treasurer of the commissioners a certificate establishing the aggregate or total amount of the valuation of the taxable properties mentioned in the valuation roll according to the values therein given, other than properties so indicated by the said word "dissentient" or its abbreviation, and shall also mention in such certificate the amount of the aggregate or total valuation of the taxable properties of corporations and companies.

Certificate to be delivered as soon as valuation roll of taxable property is homologated.

6. Should the said school commissioners, in virtue of the provisions of law in that behalf, require the municipal council of the said town, in any year, to collect the annual school tax which may be imposed or required to be levied, such imposing and collection shall be effected as herein-after provided, and the provisions of this act shall apply in any such case.

If so required, the municipal council to impose and levy school tax.

7. Sums of money to be levied by taxation by the said school commissioners shall be ordered to be levied by a resolution of said school commissioners, to be adopted at their first meeting held after reception of the certificate mentioned in section 5 of this act, which resolution shall fix the rate of school tax to be imposed, and a copy of which shall, forthwith, after the passing thereof, be transmitted by the secretary-treasurer of the commissioners to the secretary-treasurer of the said municipal council.

Resolution to levy amount required and fix school rate and copy to be sent to municipal secretary-treasurer.

It shall not be necessary for the said commissioners to make or revise any collection roll.

No roll to be made &c., by commissioners.

8. The secretary-treasurer of the said municipal council, even if not so specially ordered by the municipal council, shall enter in the annual municipal collection roll in a separate column, opposite to the entry of each taxable property therein, other than those indicated by said word "dissentient" as aforesaid, the amount of school tax chargeable in respect of such property, and which he shall calculate at the rate mentioned in the copy of resolution transmitted to him as aforesaid.

Entry in municipal collection roll of school tax.

9. The council of the town of Westmount shall cause the assessment at the rate so fixed by the commissioners to be levied by its secretary-treasurer according to article 4546 of the Revised Statutes, as if a school assessment roll had been accepted by it. Such assessment shall be known

Levy of rate by council.

Name of tax and how levied, &c. as the "Commissioners' School Tax," may be levied and recovered at the same time as other taxes of the town, and, in so far as respects all proceedings in connection therewith, subsequent to the transmission of said resolution of commissioners, shall be deemed to be a municipal tax of said town, provided always that the persons or corporations who or which have been or may be exempted from municipal taxes shall nevertheless be liable and be assessed for the school tax.

Payment of school taxes collected to secretary-treasurer of school commissioners monthly.

Interest on each monthly instalment.

Certificate as to amount collected from corporations, &c.

**10.** The amount of the said school tax which has been collected shall be paid by the corporation of the town of Westmount to the secretary-treasurer of the said school commissioners monthly, the amount realized from rate-payers in each month being paid over within the first seven days of the following month. Each monthly instalment shall bear interest from the expiry of the seven days during which it shall have become payable to the school commissioners and may be recovered from the corporation of the town. The secretary-treasurer of the council of the town in making payment of each instalment shall certify to the school commissioners what amount of the sum paid has been collected from corporations and incorporated companies.

Levying of special tax in certain cases.

**11.** In the event of any special tax being required to be levied by the said commissioners or by the Superintendent of Public Instruction at a time which the commissioners shall determine to be too remote from the date at which the annual collection roll of the town shall come into force to admit of collection being delayed until such last mentioned date, such special tax may be imposed and levied by collection roll made by the said commissioners in the same manner as if the present act had not been enacted; but, except as aforesaid, the provisions of this act shall apply to the assessment and collection of any special tax which may be authorized or required to be levied by the said school commissioners or which may be ordered to be levied by the Superintendent of Public Instruction, but the proportion of such special tax chargeable upon each property shall be entered on the said collection roll in a column separate from that in which the ordinary school tax is entered, if both be imposed at the same time.

Act to apply to such special tax.

Discount may be allowed by council with consent of commissioners.

**12.** The council of the said town may, with the consent of the said school commissioners, grant a discount of not more than five per cent. on any annual or special school tax paid within a specified period or delay, which, however, shall not extend beyond three months from the date at which such tax shall have become exigible.

**13.** The secretary-treasurer of the municipal council shall not be bound to accept from any rate-payer payment of municipal taxes while any school tax payable by the same rate-payer in respect of the same property remains unpaid.

Municipal taxes need not be received unless school taxes are paid.

**14.** Article 2040, as amended by the act 57 Victoria, chapter 22, section 12, articles 2046, 2136, (as added to by the act 57 Victoria, chapter 22, section 18,) 2137 and 2141, of the said Revised Statutes, and any other laws, in so far as they are inconsistent with the provisions of this act, are hereby repealed as respects the said school commissioners of the municipality of the town of Westmount.

Certain articles of Revised Statutes not to apply to school commissioners.

**15.** This act shall not affect dissentients or the school corporation having jurisdiction over dissentients in the said town.

Dissentients not to be affected by this act.

**16.** This act shall come into force on the day of its sanction.

Coming into force.

## CAP. LXXIII

An Act to amend the act to authorize the school commissioners of the municipality of the city of St. Henri, in the county of Hochelaga, to issue bonds.

[Assented to 10th March, 1899.]

**WHEREAS** the school commissioners of the municipality of the city of St. Henri, in the county of Hochelaga, have, by their petition, represented:

Preamble.

That the alteration of the value of the bonds, the issue whereof is authorized by the act 61 Victoria, chapter 62, would facilitate the loan authorized by the said act;

That doubts have arisen as to the right to impose the special tax, authorized by the act 61 Victoria, chapter 62, on the real estate of corporations and incorporated companies within the municipality of the city of St. Henri, in the county of Hochelaga, and upon the persons entitled to vote on the by-law authorizing the loan to be effected;

Whereas the said commissioners have, by petition, prayed that the value of such bonds be modified and that such doubts be removed;

Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

**1.** Section 1 of the act 61 Victoria, chapter 62, is replaced by the following:

61 V., c. 62, s. 1, replaced.

"**1.** Notwithstanding any provisions to the contrary, the said commissioners are authorized to issue bonds, for

Bonds authorized to be

issued for  
certain pur-  
poses.

Approval of  
by-law by  
electors who  
are proprie-  
tors requir-  
ed.

the purpose of procuring moneys for the payment of obligations already contracted, for purchasing the boarding school of the nuns of St. Anne for young girls, for consolidating the floating debt and for the purposes of education generally, to the amount of one hundred and fifty thousand dollars ; provided that each loan be authorized by by-law approved by the majority in number and in real estate value of the electors who are proprietors in the said municipality who are entitled to vote at the elections of commissioners under articles 2004, 2005 and 2006 of the Revised Statutes, in the same manner as for municipal by-laws of the city of St. Henri respecting loans."

Id., s. 2, re-  
placed.  
Amount and  
conditions of  
issue.

**2.** Section 2 of the said act is replaced by the following :

" **2.** The said bonds shall be for one thousand dollars each, shall be redeemable within a delay of not less than forty years from the date of their issue, and shall bear interest at a rate not exceeding four and a half per cent. per annum."

Id., s. 3, re-  
placed.  
Special tax  
for payment  
of interest  
and sinking  
fund.

**3.** Section 3 of the said act is replaced by the following :

" **3.** A special tax shall be levied each year upon the real estate of the municipality of the city of St. Henri, taxable for the benefit of the Roman Catholic schools of the said city, sufficient to pay the yearly interest and representing at least one per cent. of the capital, which shall be invested in accordance with the provisions of article 9810 of the Civil Code, and which, with the interest, shall constitute a sinking fund.

How to be  
levied.

Such tax shall be levied and collected as an ordinary school tax, and article 2143 of the Revised Statutes shall apply thereto.

Coming into  
force.

**4.** This act shall come into force on the day of its sanc-  
tion.

## CAP. LXXIV

### An Act to further amend the charter of the Quebec Central Railway Company.

[Assented to 10th March, 1899.]

Preamble.

**WHEREAS** the Quebec Central Railway Company have,  
by their petition, prayed that an act may be passed to  
enable them to arrange the capital of the company to redeem  
and convert the prior lien bonds heretofore issued under  
the authority of their charter, and to raise the necessary



means to increase the business facilities of the company, and for other purposes; and it is expedient to grant the prayer of the said petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec enacts as follows:

**1.** This act may be cited as the Quebec Central Railway Name of act. Act, 1899.

**2.** The expression "company," where used in this act, Interpretation. means the Quebec Central Railway Company.

The expression "prior lien bonds," means the bonds authorized and issued under the acts of this Province 49-50 Victoria, chapter 82, and 59 Victoria, chapter 59, and therein referred to under such name.

The expression "debenture stock or bonds or both," means the Quebec Central Railway debenture stock or bonds or both, to be issued under the authority of this act.

**3.** The directors of the company for the time being shall have the power to make a new issue to be represented by debenture stock or bonds or partly the one and partly the other, to be called "Quebec Central debenture stock or bonds or both," bearing interest not exceeding four per centum per annum, payable in London, the total interest upon which shall not at any time exceed the sum of £20,000 sterling per annum, and the principal whereof shall rank as a charge on the company's railways, rolling stock, property, and undertaking, without registration, next after the outstanding prior lien bonds, if any. Power to issue new debenture stock or bonds.

The directors may issue such debenture stock or bonds or both, from time to time, and sell and dispose thereof upon such terms as to discount and payment as they shall judge best; provided always, that the total amount of interest payable upon outstanding prior lien bonds for the time being, and the debenture stock or bonds or both, the creation and issue of which are hereby authorized, shall at no time exceed the sum of £20,000 sterling per annum. Issue when and how effected.

**4.** So long as the interest stipulated is duly paid to the holders of the said debenture stock or bonds or both, they shall not be entitled to claim repayment of the principal, which shall only become payable after the company is six months in default in the payment of interest thereon, or in the event of the liquidation of the company; but the directors may, at any time after the expiration of twenty years from the date of issue, upon giving six months' notice by advertisement in the *Times* newspaper published in London, England, be entitled to redeem the same, upon payment of the principal with such premium, if any, added as the directors may determine; and interest shall cease to be exigible, Capital of debenture stock &c., not to be claimed so long as interest is paid. Power of directors to redeem after notice.

Interest to cease after notice. after the expiration of such delay, upon all debenture stock or bonds or both not presented for redemption.

Application of proceeds of debenture stock, &c. **5.** The Quebec Central debenture stock or bonds or both hereby authorized to be created, or the proceeds thereof, shall be applied by the company to the following purpose only, that is to say :

Conversion of prior lien bonds, &c. (a) In converting and redeeming all outstanding prior lien bonds upon such terms and conditions of purchase and exchange as may, from time to time, be agreed upon between the directors and the respective holders of the said bonds ; and for that purpose the sum of £375,000 sterling shall be reserved.

Balance of proceeds to be applied to acquiring facilities, &c. (b) The remainder of the said debenture stock or bonds or both, by this act authorized to be created and issued, and any sum remaining out of the sum mentioned in the preceding paragraph (a) shall be applied as the directors may, from time to time, determine in acquiring necessary terminal real estate, in the building of branch lines, in the purchase of additional rolling stock, and generally in increasing and improving the business facilities of the company.

Security for payment of debenture stocks, &c. All prior lien bonds purchased with the proceeds of or exchanged for debenture stock or bonds or both shall continue as security *pro tanto* for the benefit of the said debenture stock or bonds or both, and such security shall continue to subsist in favour of the debenture stock or bonds or both until the whole of the prior lien bonds shall have been extinguished.

Conversion of income bonds into bonds or stock of two classes. **6.** The directors shall have the power to convert the existing income bonds into bonds or stock, subdivided into two classes, the one class having such priority over the other class and being entitled to such cumulative or other rights as may at the time of issue be prescribed, and for this purpose to issue new bonds or securities, and to issue the same in exchange for and upon the surrender of income bonds ; and the new bonds or securities shall in all respects take the place of and be entitled, as against the company, to all the rights of the existing income bonds. Provided always that the aggregate charge for interest upon such new bonds or securities shall not exceed the amount of interest to which the existing income bonds are entitled.

Proviso.

Terms, &c., of conversion to be decided by board of directors. **7.** The terms and conditions of such conversion and subdivision of income bonds and issue of new bonds or securities in lieu thereof shall be hereafter decided by the board of directors and sanctioned by at least two-thirds in value of the holders of the income bonds present or represented at a meeting specially called for that purpose, and all income bonds so surrendered shall continue as security *pro tanto* for the benefit of the said new bonds or securities, and such se-

curity shall continue to subsist in favour of the new bonds or securities until all the income bonds shall have been surrendered.

**8.** Section 8 of the act 49-50 Victoria, chapter 82, is amended by replacing the second clause thereof by the following: 49-50 V., c. 82, s. 8, amended.

"The annual general meeting of the company shall be held in London, at such time and in such place as the directors may judge best. Where and when annual general meeting to be held.

Public notice of such meeting shall be given by advertisement in the *Quebec Official Gazette* and the *Times* newspaper published in London, once a week for at least three weeks prior to such meeting." Notice therefor.

**9.** The following section is added to the said act 49-50 Victoria, chapter 82, after section 8. Sec. 8a added to id.

"**8a.** The elected directors of the company shall hereafter be not less than five nor more than seven, as the company may determine at any annual meeting. If the number of the said directors is fixed at five, one shall be the representative and nominee of the shareholders, and four shall be the nominees and representatives of the holders of income bonds or of the new bonds or securities which may be issued in lieu thereof under this act. If otherwise, the number of such directors remains at seven, two shall be the nominees and representatives of the shareholders, and five the nominees and representatives of the holders of income bonds or of the new bonds or securities. Number of elected directors. Whom they represent, if five; If seven.

Three members shall in all cases constitute a quorum of the board." Quorum in all cases.

**10.** Section 9 of the said act is replaced by the following: Id., s. 9, replaced.

"**9.** The meetings of the board of directors shall be held in London, until otherwise determined by resolution of an ordinary annual general meeting of the company; and at any such meeting any absent director may give his proxy in such form as may, from time to time, be prescribed by the board to any other director to represent and vote for him upon any question." Where meetings of board to be held. Proxies of directors.

**11.** No powers shall be exercised under this act unless consent shall be given to the exercise of such powers respectively by the vote of two-thirds in value of the holders of the prior lien and income bonds, and of the shareholders present or represented at meetings specially called for that purpose. When powers under act to be exercised.

**12.** This act shall come into force on the day of its sanction. Coming into force.

## CAP. LXXV

An act to amend the act 58 Victoria, chapter 64, incorporating The Chateauguay and Northern Railway Company.

[Assented to 10th March, 1899.]

Preamble.

**W**HEREAS The Chateauguay and Northern Railway Company has, by its petition, prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the said petition ;

Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

Certain agreement ratified.

**1.** The agreement hereto annexed, signed and made between The Chateauguay and Northern Railway Company, hereinafter called the company, and the municipality of the parish of Pointe aux Trembles, in the county of Hochelaga, passed before P. Mainville, notary, on the 13th November, 1896, and all deeds of acquisition to and in favor of the said company and now registered, are hereby declared valid, ratified and confirmed.

58 V., c. 64,  
s. 3, replaced.

**2.** Section 3 of the act 58 Victoria, chapter 64, is replaced by the following :

Power to  
build, &c.,  
certain line of  
railway.

**“ 3.** The company and its servants shall have full power and authority to lay out, construct and operate a single or double line of railway, of such width and gauge as the company may deem advisable, from any point on the boundary line between the Province of Quebec and the State of New York, thence northerly to a point in the county of Soulanges, at which place the said line shall connect with the Montreal Island Belt Line Railway, thence northeasterly and across the Island of Montreal, passing in rear of the mountain of Montreal through Hochelaga, and continuing to a point on the Great Northern Railway, in the county of Joliette, or to a point in or near the town of Joliette, passing by or near the town of L'Assomption.

Power to  
build, &c.,  
branch lines.

Power is hereby granted to the company to lay out, construct and operate branch lines from any point on its main line, provided that, except for the purpose of connecting with other railways, they do not exceed a length of fifteen miles.

Power to  
build, &c.,  
extension of  
main line.

The company is further authorised to construct and operate an extension of its main line to and through the town of Berthier, in the county of Berthier, and to construct and operate by electricity circuit lines of railway in towns, villages and parishes along its main line and branches, outside

the limits of the former parish of Montreal, with the consent of the municipal councils of the said towns, villages and parishes.

The company shall not however establish, build or operate any line or branch in the territory of the municipalities covered by the rights under the charter of the Montreal and Southern Counties Railway Company, preserving, however, its former rights for its main line in the counties of Huntingdon, Beauharnois and Chateauguay.

Not to interfere with certain rights.

Proviso.

The company further shall not establish, build or operate any branch in the territory of the municipalities in which the Montreal Park and Island Railway has built its electric railway, so long as the latter shall not extend its line into the limits of the municipalities of Maisonneuve, Longue Pointe, Pointe aux Trembles, and Rivière des Prairies."

Not to interfere with certain other rights.

**3.** Section 7 of the said act is replaced by the following :

Id. s. 7, replaced.

"**7.** The capital stock of the company shall be two millions of dollars, divided into shares of one hundred dollars each."

Capital stock and shares.

**4.** The first paragraph of section 12 of the said act is replaced by the following :

Id. s. 12, § 1, amended.

"**12.** The annual general meeting of the shareholders of the company shall be held on the third Wednesday of September of each year, at the time specified in the notice calling the same, which notice shall be given in one or more newspapers published in the city of Montreal, at least two weeks preceding the date of the meeting."

When general meeting of shareholders to be held and notice therefor.

**5.** Paragraph 3 of section 14 of the said act is replaced by the following :

Id. s. 14, § 3, replaced.

"**3.** Purchase, take on lease or in exchange, hire or otherwise acquire any moveable or immoveable property, and any rights, privileges, water powers and easements which may be necessary for its business, and lease, alienate and otherwise dispose of and hypothecate the same in favor of trustees or otherwise; establish, maintain and improve dams, piers and channels; produce and supply electricity and electric current for the purpose of its undertaking, and sell and dispose of the same, in so far as it is not requisite for the purposes of its undertaking; develop water power in the waters adjoining or surrounding the Island of Montreal, subject to the jurisdiction of the Legislature; take and hold shares in other corporations, and sell and dispose of the same; amalgamate with any other company having objects altogether or in part similar; purchase or otherwise acquire any patents or inventions, use and manufacture or dispose of the same; and also con-

General power to acquire rights, &c.

struct, equip, work and maintain telegraph and telephone lines. It shall have and enjoy all the rights, powers, privileges and immunities essential and appertaining to the construction and maintenance of the said lines, and may establish offices for the transmission of messages for the public; and, for the purpose of erecting and working such telegraph and telephone lines, the company may enter into a contract or contracts with any other company."

Id. s. 29, replaced. When railway to be completed.

6. Section 29 of the said act is replaced by the following :

"29. The railway shall be completed within seven years of the passing of this act."

Before the undersigned Me PHILEAS MAINVILLE, Notary Public, in and for the Province of Quebec, residing and practising in the city of Montreal ;

CAME AND APPEARED.

THE MUNICIPALITY OF LA POINTE AUX TREMBLES, a body politic and corporate having its chief office and place of business in the parish of la Pointe aux Trembles, in the county of Hochelaga, acting and represented herein by ACHILLE BEAUDRY, farmer, mayor of the municipality, and by JEAN BAPTISTE DUBREUIL, secretary-treasurer of the said municipality, both residing in the said parish of la Pointe aux Trembles, and both duly authorized for the effect of these presents by and in virtue of a resolution adopted by the councillors of the said municipality at a sitting of the council of the said municipality at the said place, la Pointe aux Trembles, on the second of November instant, an authentic extract of which resolution is annexed to the original of these presents after having been signed and acknowledged by the notaries and the parties hereto *ne varietur*.

*Of the one part ;*

And THE CHATEAUGUAY AND NORTHERN RAILWAY COMPANY, a body politic and corporate having its chief office and place of business in the city of Montreal, acting and represented herein by W. DALE HARRIS, esquire, engineer, of the city of Ottawa, its president, and by JOHN P. MULLARKY, its secretary, of the city of Montreal, both duly authorized for the effect of these presents by a resolution of the board of directors of the said company, dated the fourth November instant, a copy of which reso-

lution is annexed to the original of these presents, after having been signed and acknowledged by the notary and the parties hereto, *ne varietur*.

*Of the other part ;*

Which said party of the first part in accordance with the said resolution dated the 2nd November instant, hereby gives and makes over unto the said party of the second part, thereof accepting, all the rights and privileges for the period of twenty years, counting from the 2nd November instant, necessary for making, manufacturing and exploiting electricity within the limits of the said municipality, and also to build and run any railway within the said limits, the said party of the first part for the said object giving all rights and franchises to the said party of the second part, accepting thereof as aforesaid.

For the purposes aforesaid, the said party of the first part hereby makes over to the said party of the second part, thereof accepting, all rights and privileges for erecting all buildings and other works necessary for the construction and working of its railway and for manufacturing and exploiting electricity within the limits aforesaid, and for making all the excavations necessary for planting its poles and laying its wires and all other works connected therewith, the said party of the first part giving to the said party of the second part, thereof accepting, all rights of way over all properties now under the control of the said party of the first part and which may hereafter come under its control, the whole subject, nevertheless, to the damages caused to private property.

Moreover the said party of the first part hereby grants to the said party of the second part, thereof accepting, exemption from all taxes and impositions whatsoever during the said period of twenty years from the second November instant, both on the lands and the buildings used and which may be used for such electricity and everything connected therewith and on the railway of the said company, rolling stock, materials, buildings and everything connected therewith.

The present powers and concessions are thus granted by the said party of the first part to the said party of the second part so long as the said railway shall be in operation and on condition that the said party of the second part shall supply electric light both to the said municipality and to private houses in the said municipality at a reasonable rate.

DONE AND PASSED in the city of Montreal, in the office of Philéas Mainville, notary, in the year one thousand eight

hundred and ninety-six, on the thirteenth November in the forenoon, under the number seventeen thousand nine hundred and five.

The parties have signed with us the said notary these presents, first duly read.

(Signed)                      ACHILLE BEAUDRY,  
*Mayor.*

“                                  J. B. DUBREUIL,  
*Sec.-Treas.*

“                                  J. P. MULLARKY,  
“                                  W. DALE HARRIS,  
“                                  P. MAINVILLE, *N. P.*

True copy of the original remaining of record in my office.

(Signed)                      P. MAINVILLE, *N. P.*

## CAP. LXXVI

An Act to amend the act incorporating the Chaudiere Valley Railway Company.

[Assented to 10th March, 1899.]

Preamble.

**W**HEREAS the Chaudiere Valley Railway Company has, by petition, prayed that its charter be amended and its powers extended, and it is expedient to grant its prayer ;

Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

61 V., c. 64, s. 1, replaced.      **1.** Section 1 of the act 61 Victoria, chapter 64, is replaced by the following :

Persons incorporated.

Name.

Objects and powers of company.

“ **1.** The said John Breakey, Colin Cathcart Breakey, George Breakey, Denaston Breakey and Harold Breakey are hereby constituted a body politic and corporate, under the name of “ The Chaudiere Valley Railway Company ” for the purpose of constructing and putting in operation a railway from a point on the south side of the river in connection with the projected bridge over the river St. Lawrence near the city of Quebec, and thence along the Chaudiere river from the mouth of the said river either on one side or on the other, in such manner as to include and comprise that section of railway, six



miles in length, already built and actually run by the said John Breakey, to a point in the vicinity of Scott's Junction, with the necessary powers to connect with or cross the road of the Quebec Central Railway, at or near Scott's Junction, and other railway lines, subject, as regards such crossings or connections with railways, to the previous fulfilment of the formalities required by the federal laws.

The said company shall also have power to construct and extend the said railway into the counties of Levis, Bellechasse, Dorchester and Lotbinière, to operate the whole of its railway or a portion thereof by steam or electricity, and to amalgamate it, if necessary, with other railway or electric companies." Power to extend railway, &c.

2. Section 6 of the said act is replaced by the following: Id. s. 6, replaced.

"6. The company may likewise locate, construct and run other branches, from all or each of the points aforesaid, and from any other point it may deem expedient on its railway or branches, to facilitate the working of the main line; such branches shall not exceed twelve miles in length from the main line." Power to build branch lines.

3. The construction of the part of the railway which is hereby authorized shall be begun within five years from the coming into force of this act and shall be completed within ten years. Commencement and completion of railway.

4. This act shall come into force on the day of its sanction. Coming into force.

## CAP. LXXVII

An Act to amend the acts relating to the Montreal Street Railway Company.

[Assented to 10th March, 1899.]

**W**HEREAS the Montreal Street Railway Company has, Preamble.  
by its petition, represented that it is desirous of obtaining amendments to its charter and additional powers as hereinafter set forth, and it is expedient to grant the prayer of the said petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

1. The company may, with the consent of three-fourths of its shareholders, given at a special general meeting held for that purpose, increase its capital stock and issue new shares to the amount of five millions of dollars, and apply the additional capital so raised to the extension and equipment of its railway. Increase of capital stock and issue of new shares.

49-50 V., c.  
86, s. 3, not  
to apply.

The provisions of the act 49-50 Victoria, chapter 86, section 3, shall not apply to such increased capital.

Area in which  
company may  
construct  
railway ex-  
tended.

2. (a) The area in which the company may construct and operate its railway is extended and shall hereafter include, in addition to the territory in which it now operates, that part of the parish of Lachine lying southeast of the Montreal Aqueduct.

Certain agree-  
ments author-  
ized, &c.

Railway may  
be extended  
through cer-  
tain munici-  
palities.

When powers  
to be exercis-  
ed.

(b). The company is authorized to make an agreement with the Grand Trunk Railway Company of Canada for the use of the Victoria Bridge, and may extend its railway from the southern terminus of the said bridge, through the municipalities of St. Lambert and Longueuil.

The powers conferred by this subsection shall lapse unless, within six months after the coming into force of this act, the company commences building such extension and, within nine months thereafter, commences operating such railway.

Power to pur-  
chase certain  
lines of rail-  
way, &c.

The company may lease or purchase the lines of railway between the said points to be built by the town of Longueuil or the Montreal and Southern Counties Railway Company, with all privileges and rights referring thereto, and operate the same.

Certain agree-  
ments author-  
ized.

The company is authorized to make an agreement with the Montreal and Southern Counties Railway Company or any other companies or municipal corporations that have rights, for the purpose of giving connections to the south shore of the River St. Lawrence and the city of Montreal by their systems.

Power to car-  
ry Her Maj-  
esty's mail,  
&c.

(c). The company may contract for and carry Her Majesty's mails in the city of Montreal, and may, with the consent of the said city, carry butchers' meat between the abattoirs and the public markets in the said city, and may, with the said consent, haul the cars of other electric railways containing farm produce or fertilizers, between the points of connection with such companies' systems and the said markets in the city of Montreal.

Powers sub-  
ject :  
To certain  
contracts,  
&c. :

(d). The powers hereby conferred upon the company shall be subject to the conditions legally stipulated in the company's contract with the Montreal Park and Island Railway Company, and, so far as the above extension in the parish of Lachine is concerned, to the company's previously obtaining the consent of the Montreal Park and Island Railway Company to the same ; but, notwithstanding the provisions of the above contract, it shall be lawful for the company to grant running powers over its track in the city of Montreal to the Montreal and Southern Counties Railway Company, to the Chateauguay and Northern Railway Company and to the Montreal Island Belt Line Railway Company, for its line between Bout de l'Isle and other places further northeast and the city of Montreal.

(e). The rights and powers of the said Montreal Street Railway Company conferred by this section shall remain subordinated to the consent of the interested municipalities. To consent of municipalities ;

(f). The powers hereby conferred upon the company shall also be subject to the rights and privileges of the Montreal Island Belt Line Railway Company, under its deed of franchise from the said city of Montreal, passed before Q. Marin, notary, on the 30th of March, 1895. To certain other rights and privileges.

3. This act shall come into force on the day of its sanction. Coming into force.

## CAP. LXXVIII

### An Act to incorporat  Loyola College.

[Assented to 10th March, 1899.]

**WHEREAS** the Reverend Gregory O'Bryan, B.A., Preamble.  
Isidore J. Kavanagh, B.A., John C. Coffee, Louis J. Cotter, the Reverend Owen B. Devlin, LL.B., and the Reverend Gregory F  r  , M.D., M.R.C.S., London, England, all of the city of Montreal, have, by their petition, represented ;

That a college has been established in the city of Montreal for the education of the young, and that, considering the great advantages that would result from this institution, and to allow of its extending the sphere of its action, it would be necessary to incorporate it for educational purposes ;

Whereas the petitioners have prayed that an act for that purpose be passed, and whereas it is expedient to grant their prayer ;

Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

1. The said Reverend Gregory O'Bryan, B.A., Isidore J. Kavanagh, B.A., John C. Coffee, Louis J. Cotter, the Reverend Owen B. Devlin, LL.B., and the Reverend Gregory F  r  , M.D., M.R.S.C., London, England, and all persons who hereafter associate themselves with them, and their successors, are and shall be constituted a corporation for educational purposes under the name of " Loyola College. " Persons incorporated. Purpose and name.

2. The college may affiliate with any University in the Dominion of Canada. Affiliation with any University.

3. The corporate seat shall be in the city of Montreal. Corporate seat.

4. The corporation constituted by this act shall have perpetual succession, and it may : Powers of corporation.

1. Have a seal changeable at pleasure ;

2. Appear before the courts both as plaintiff and defendant ;
3. Borrow money and sign bills of exchange and promissory notes ;
4. Hold, accept and acquire, by all lawful means, for the purposes and use of the corporation moveable and immoveable property, which it may sell, alienate and hypothecate, assign, lease, transfer, exchange or otherwise dispose of by any lawful title whatsoever.
5. The annual value of the immoveable property acquired or held by the corporation shall not exceed the sum of twenty thousand dollars over and above the value of the immoveable property occupied for the purposes of the corporation ; and, if the corporation should become owner of immoveable property exceeding in annual value the said sum of twenty thousand dollars as aforesaid, it shall be obliged to sell such surplus immoveable property within five years of the acquisition thereof.
6. The rents, revenues, issues, and profits of the moveable and immoveable property of the corporation shall be solely employed for the maintenance of the members of the corporation, the construction and repair of the buildings necessary for the purposes of the corporation, for instruction and education, and for the payment of the expenses incurred in connection with the aforesaid purposes.
7. The corporation shall be governed according to the rules of the community, and it may make and pass statutes, rules and regulations, not contrary to this act or the general laws, respecting the administration of its property, its internal government and management, the election, number and powers of its officers, directors and procurators, the admission and withdrawal of its members, and, generally, respecting every thing concerning the purposes of the corporation.
8. The corporation may appoint procurators for the management of its property and all officers, teachers and servants who may be necessary, and may allow them such remuneration as may be deemed just.
9. The corporation shall, whenever so required by the Lieutenant-Governor in Council, transmit to the Provincial Secretary a statement of its immoveable property and the numbers of pupils attending the college.
10. This act shall come into force on the day of its sanction.

Power to hold, &c., property.

Annual value of property, held.

Application of revenues of college, &c.

Government of college.

Procurators may be appointed.

Report to Provincial Secretary.

Coming into force.

## CAP. LXXIX

An Act to incorporate the Catholic High School  
of Montreal.

[Assented to 10th March, 1899.]

**W**HEREAS it is desirable to promote the education of Preamble.  
youth in this province, and whereas the persons herein-  
after named, by their petition, have applied to be incor-  
porated under the name of the "Catholic High School of  
Montreal," for the purposes in said petition mentioned; and  
whereas it is just to grant the prayer of the said petitioners;  
Therefore, Her Majesty, by and with the advice and  
consent of the Legislature of Quebec, enacts as follows:

**1.** The Reverend John Quinlivan, parish priest of St. Patrick's parish, the Honorable Sir William H. Hingston, Persons incor-  
porated. doctor of medicine, senator, the Honorable James O'Brien, senator, the Honorable James John Edmund Guerin, doctor of medicine, member of the Executive Council of the Province of Quebec, the Honorable John J. Curran, one of the Justices of Her Majesty's Superior Court, the Reverend James McCallen, priest, Charles F. Smith, manufacturer, president of the Board of Trade, Frank J. Hart, merchant, Michael Fitzgibbon, importer, the Reverend William O'Meara, parish priest, the Reverend Peter Francis O'Donnell, parish priest, the Reverend John Donnelly, parish priest, the Reverend Edouard Strubbe, priest, James McShane, merchant, Michael Burke, merchant, William McNally, merchant, John G. Kennedy, merchant, Bernard J. Coghlin, merchant, John P. Whelan, contractor, William H. Doran, architect, John Semple, merchant, John Killoran, gentleman, Felix Casey, merchant, John Meagher, merchant, Patrick O'Brien, grocer, Thomas Heffernan, contractor, Bernard Tansey, gentlemen, Patrick McCrory, merchant, Martin Eagan, merchant, John Barry, merchant, Joseph A. Fowler, professor of music, William H. Cunningham, sculptor, John Dwane, merchant, John Crowe, locksmith, Patrick Wright, merchant, Francis B. McNamee, contractor, all of the city and district of Montreal, and such other persons who shall hereafter be admitted to membership, are hereby constituted a body politic and corporate, under the name of the "Catho- Name.  
lic High School of Montreal," with a corporate seal and perpetual succession.

**2.** The corporation may sue and be sued in any and General pow-  
ers. all courts of law or equity in its own corporate name, and shall possess all the rights, powers and obligations of a corporation, and no personal responsibility shall devolve upon any member of the said corporation for the debts, engagements or obligations of the corporation.

Power to establish school, &c., to teach certain branches.

**3.** The corporation is hereby empowered to establish a school in the city of Montreal, to be known as the "Catholic High School of Montreal," with branches in the city of Montreal and elsewhere, and to give therein a course of instruction in religion, in English, French and other languages, in reading, arithmetic, mathematics, history, literature and arts, including fine arts, sculpture, drawing, modeling in clay or otherwise, architecture and mechanical arts, and trades generally, and in all other branches of the sciences and of education generally, which may be deemed advisable to be introduced from time to time by the said corporation, with power to grant certificates and diplomas of competency and excellence to graduates, deserving the same in the divers branches.

Head-office.

**4.** The head-office of the corporation shall be in the city of Montreal.

Affiliation to any university, &c.

**5.** The corporation may affiliate to any university, college or school.

Power to acquire, &c., property.

**6.** The corporation may purchase, acquire, receive by donation, legacy or otherwise, and possess by every other kind of legal title for the purposes of the said corporation, without any further authorization, every kind of moveable or immoveable property.

Power to lease, &c., same.

**7.** The corporation may sell, lease, lend, alienate and dispose of such property, and may invest and spend the property of said corporation, for the purposes and requirements of the same.

Power to borrow, &c.

**8.** The corporation may borrow money, issue notes, negotiable paper and debentures upon its own credit, and may contract and obligate itself for the purchase of real or moveable property and may mortgage and hypothecate its property for the purpose of borrowing for all matters concerning the successful prosecution of the objects of the said corporation.

Application of corporation moneys.

**9.** The moneys of the corporation may be expended in building school-houses or any other buildings or structures, or be invested or disposed of in such manner as may be provided by the regulations of the corporation.

Members of corporation.

**10.** There shall be an indefinite number of members who may be of three classes, honorary governors, life governors, and annual subscribing members, all of whom may be admitted under the conditions prescribed by any regulations enacted to govern the same.

**11.** The business of the corporation shall be conducted by a governing board which shall alone make the rules, regulations and ordinances of the corporation.

Governing  
board

**12.** The governing board shall consist of :

Composition  
of board.

1. The pastor of St. Patrick's parish, and in case of a vacancy in the pastorate, the acting pastor of St. Patrick's parish, who shall at all times be *ex-officio* chairman of the governing board ;

2. Two priests to be appointed, from among the clergy of the English speaking Catholic parishes of the city of Montreal, by the Catholic archbishop ; such priests to be so appointed annually, and to be replaced, in the event of a vacancy occurring during the year, for which any appointment has been made, by another priest chosen by the said archbishop from among the priests of the parishes aforesaid ;

3. Six other persons who shall be elected by a majority of the life governors and annual subscribing members present and voting at an annual or special meeting. These six shall be known as representative members.

**13.** Two of the six representative members shall retire each year, and their successors shall be elected for three years : those to retire at the end of the first and second years shall be chosen by lot. Retiring members shall at all times be eligible for re-election.

Replacing of  
representative  
members.

**14.** Vacancies occurring amongst the representative members shall be filled by a majority of the members of the governing board present at any meeting thereof called for the purpose ; those so chosen shall serve only for the remainder of the term of office of those whom they replace.

Vacancies  
among repre-  
sentative  
members.

**15.** There shall be a first or provisional board, which shall consist of the pastor of St. Patrick's parish and of the priests to be appointed as hereinabove provided, and of the following seven petitioners : Frank J. Hart, Patrick McCrory, Felix Casey, John Meagher, John Killoran, Thomas Heffernan and Patrick O'Brien, who shall retain office till a general meeting of the corporation be called to elect the members of the governing board.

Provisional  
board, its  
composition  
and term of  
office.

It shall be the duty of the chairman of the board to call together the petitioners herein mentioned to elect the representative members.

Election of  
representa-  
tive members.

The chairman shall call this meeting within three months from the coming into force of this act.

Time for  
election.

**16.** For the good government of the corporation, the governing board alone shall have power and authority to establish all rules, regulations and ordinances, which may

Power of gov-  
erning body.

not be contrary to the laws of this province, for the government of the said corporation, and of its affairs and property of any description, real or personal, as well as for the admission, dismissal and qualification of the present petitioners and of all members of the said corporation, as for all other purposes tending to promote the welfare and interest of the said corporation, and shall have power to amend, change or repeal, from time to time, the said rules, regulations and ordinances in such manner as the board may deem necessary or expedient, and shall generally have a right to transact all business incidental to the objects of the corporation in its corporate name, with all the rights incidental to a body corporate.

Return to the  
Provincial  
Secretary and  
what to con-  
tain.

**17.** The corporation shall, when required by the Lieutenant-Governor in Council, transmit to the Provincial Secretary a statement of its immoveables and of the number of pupils who attend the school, and all other information required by the Superintendent of Public Instruction.

Coming into  
force.

**18.** This act shall come into force on the day of its sanction.

## C A P. L X X X

An Act to amend the act incorporating the Shawinigan Water and Power Company.

[Assented to 10th March, 1899.]

Preamble.

**W**HEREAS the Shawinigan Water and Power Company has, by its petition, represented that it was incorporated by the act 61 Victoria, chapter 70, and has prayed that the said act be amended in the manner hereinafter mentioned; and whereas it is expedient to grant the prayer of the said petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

61 V., c. 70,  
s. 29, replaced.

**1.** Section 29 of the act 61 Victoria, chapter 70, is replaced by the following :

Power to ex-  
propriate  
land, &c., for  
company's  
purposes, &c.

**"29.** The company is authorized to expropriate, on the said St. Maurice River, such land adjacent to or connected with the water powers on such river, at or near the said Shawinigan Falls, as may be required for the development and utilization of water power and for the exercise of any of the powers conferred on the company by sections 2 and 8 of the said act; and to that end the company may desist from any expropriation pro-



ceedings already begun under the said section 29, and commence new expropriation proceedings under this section as amended, or may proceed with the expropriation proceedings already begun and take additional proceedings under this section as amended for the expropriation of such further lands as may be required by the company for the purposes aforesaid ; or, again, if the third arbitrator has not yet been appointed in the proceedings already begun, such proceedings may be amended by the company so as to include the lands required under this section so amended, by depositing a new plan and book of reference and giving new notices in the same manner as required for the first proceedings. The company is also authorized to expropriate land for right of way for the installation of a line to carry electricity from the Shawinigan Falls to any point.

The right to expropriate under this section shall not extend beyond the limits above-mentioned in the said section, except for such land or right of way as may be necessary for the erection of lines for the transmission of power or electric current from the Shawinigan Falls, under the restrictions contained in the act 61 Victoria, chapter 70, section 31.”

Right to expropriate not to extend beyond certain limits.  
Restrictions.

**2.** The second clause of section 2 of the said act is repealed. Id. s. 2, amended.

**3.** The first clause of section 32 of the said act is replaced by the following : Id. s. 32 amended.

“**32.** The expropriation, as well as the proceedings respecting the immediate entry into possession of the lands to be expropriated, shall be carried on in conformity with the provisions of the Revised Statutes of Quebec respecting railways.”

Proceedings in expropriation.

**4.** The second clause of the said section 32 of the said act, is amended by extending the delay for commencing the expropriation of the land required for the development of the water power until the expiration of one year from the date of the coming into force of this act. Id. further amended.

**5.** This act shall come into force on the day of its sanction. Coming into force.

## CAP. LXXXI

## An Act to incorporate the Laurentian Water and Power Company.

[Assented to 10th March, 1899.]

## Preamble.

**W**HEREAS the persons hereinafter named propose to form a joint-stock company to be called the Laurentian Water and Power Company, for the purpose of, in the northern counties of the Province of Quebec, owning, manufacturing and dealing in water, electric, steam and any other power, electricity, gas and other illuminants and of constructing and maintaining telephone lines, of owning, leasing and operating mills, factories and other works and plant, and for other purposes connected with such powers and illuminants, and whereas they have petitioned for an act of incorporation, and it is expedient to grant the prayer of the said petition ;

Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

## Persons incorporated.

**1.** Raymond Prefontaine, advocate, of the city of Montreal, Arthur Cherrier, banker, of the city of Montreal, Charles H. Archer, advocate, of the city of Montreal, Joseph Leon Nelson Chevrier, accountant, of the city of Montreal, and Pierre Laforest, mechanic, of the town of Joliette, and all other persons who are now or may hereafter become shareholders, shall be and are hereby created a body politic and corporate, under the name of the " Laurentian Water and Power Company " with power to acquire property, moveable and immoveable, and the same to lease, alienate and otherwise dispose of, and to hypothecate in favor of trustees or otherwise.

## Name and powers.

## Head office, &amp;c., change thereof.

**2.** Its head office shall be in the town of Lachute, but it may be changed to such other place as may be determined at a meeting of the shareholders.

## Branches.

Branches may be established in various places, provided the opening thereof be authorized by the board of directors, and be sanctioned, at a general or special meeting of the shareholders of the company, by the vote of shareholders representing a majority of the capital of the company, and that public notices thereof have been published in the *Quebec Official Gazette*.

## Notice to be given.

## Capital stock and shares.

**3.** The capital stock of the company shall be one hundred thousand dollars, divided into one thousand shares of one hundred dollars each.

The capital stock may be increased, from time to time, by a vote of the majority in value of the shareholders (present in person or represented by proxy), at any meeting called for such purpose, to any amount not exceeding two hundred thousand dollars. Increase thereof.

4. The persons mentioned in section 1 of the present act, shall be the first or provisional directors of the company. First direct-  
ors.

5. The company shall be managed in accordance with the provisions of the Joint Stock Company's General Clauses' Act. Law to gov-  
ern.

6. The object for which the company is incorporated, and the only powers and privileges which are confirmed and conferred by the present act, are as follows : Purposes and  
powers of  
company.

(a) To acquire, receive, obtain, possess, work, lease, administer, hypothecate, sell, pledge and transfer (either in full ownership or for other parties) moveable or immovable property, and rights, concessions, advantages, privileges or contracts in connection with water-works, drainage, lighting and telephone lines, and to assume obligations in connection therewith ;

(b) To invest capital for itself or for third parties, in connection with the said systems or undertakings ;

(c) To accept and receive transfers of systems of water-works, drainage, lighting, telephone lines and other systems and works in connection therewith, and of all moveable and immoveable property, to own the same jointly with others or for others in trust ; to administer and assume the warranty thereof ; and to stipulate and receive such remuneration as shall be mutually agreed upon ;

(d) To undertake the construction or execution of works authorized by this act either for itself or for corporations, companies or persons outside of the company ;

(e) To receive and possess all grants and voluntary gifts of lands or other property, or any subsidy, in money or in bonds, or all other advantages whatsoever which may be given it, in aid of the construction, maintenance and use of the said undertakings, and also to alienate, sell or dispose thereof ;

(f) To make, construct or lay out systems of water-works, drainage, lighting and telephone lines in and through the lands of any person whomsoever, following the line traced out in the plans of the said systems or works, but only with the consent of the interested parties, or, in default thereof, in conformity with the laws of this Province ;

(g) To do all other things necessary for the construction, maintenance, alteration, repair and use of the said works.

Limit of territory in which powers may be exercised.

7. The powers specially conferred by the preceding section will not apply and shall not be exercised with regard to works, constructions, privileges or franchises in the cities of Montreal, Quebec, Levis and Three Rivers, nor in the counties of Quebec, Levis, Montmorency and Hochelega, nor in the town of Richmond.

Authority of municipalities required before company proceeds with works.

2. It shall not be lawful for the company to exercise the powers conferred by the present act, until the company has previously obtained from interested municipalities authority to proceed with the construction of said works or enterprises, in conformity with their act of incorporation or according to law, and until such franchises shall have been acquired from any one having obtained the same from the said municipalities;

Existing rights not to be interfered with.

3. None of the powers above recited shall be exercised contrary to existing rights;

Power to purchase, &c., franchises, &c.

4. The company may purchase and accept from those holding them, all franchises given for the above purposes, and specially the franchises legally in existence given by the town of Lachute, in the county of Argenteuil, and by the village of St. Agathe des Monts, in the county of Terrebonne;

Approval of Lieutenant-Governor required for by-law authorizing contract with municipalities.

5. Any contract or arrangement between a municipal corporation and the company, for the construction and working of water-works' systems, or other works authorized by this act, shall, if such contract or arrangement, involve financial obligations on the part of such corporation, be valid only when the by-law authorizing such contract or agreement has been approved by the rate-payers and by the Lieutenant-Governor in Council, according to the laws concerning the issue of municipal bonds;

No monopoly to be created by this act.

6. Nothing in the present act shall be interpreted as creating a monopoly in favor of the company.

Power to issue bonds or debentures.

8. The directors of the company, under the authority of the shareholders to them given at any special general meeting called for the purpose, by a notice published for ten days, in English and in French, in two newspapers published in the district in which the company shall have its head office, at which meeting shareholders, representing at least two-thirds in value of the subscribed stock of the company, present in person or represented by proxy, may issue bonds, debentures or other securities signed by the president or other presiding officer, and countersigned by the secretary, which countersignature and signature on the coupons attached to the same may be engraved.

**9.** Such bonds, debentures or other securities may be made payable at such times, in such manner, and at such place or places in Canada or elsewhere, and may bear such rate of interest, not exceeding six per cent. per annum, as the directors may think proper.

When payable.  
Interest thereon.

**10.** The directors may issue and sell or pledge all or any of the said bonds, debentures or other securities, in whole or in part, at the best price and upon the best terms and conditions which at the time they may be able to obtain, for the purpose of raising money for prosecuting, paying for, maintaining or carrying on the undertakings of the company or the properties which it may possess or administer.

Power to sell bonds, &c.

**11.** The power of issuing bonds, debentures or other securities, hereby conferred upon the said company, shall not be construed as being exhausted by such issue, but such power may be exercised, from time to time, upon the bonds constituting such issue being withdrawn or paid and duly cancelled.

Powers not exhausted by first issue.

**12.** The limit of the total amount of the bonds, debentures or other securities issued by the company, shall not, at any time, exceed the total value of the property or assets of the company.

Limit of amount of issue of bonds.

**13.** The company may secure such bonds, debentures or other securities by a mortgage deed creating (in favor of the creditors of the company, or of the holders of the bonds, debentures or other securities or of one or more trustees mentioned in the said deed) such mortgages, charges and incumbrances, as may be necessary upon the property, concessions, rights, privileges, advantages, rents and revenues of the company, present or future, or present and future, as are described in the said deed, whether the company be owner thereof or hold the same only as trustee or for other parties; but such rents or revenues shall be subject, in the first instance, to the payment of the working expenditure and maintenance of the said property.

Security for bonds.

**14.** By the said deed, the company may grant to the holders of such bonds, debentures or other securities, or the trustees named in such deed, if any there be, all and every the powers, rights and remedies conferred by the present act in connection with such bonds, debentures or other securities, and all other powers, rights and remedies, not inconsistent with the laws of the country, and may restrict the said holders or trustees in the exercise of any power, privilege or remedy granted by this act, as the case may be; and all the powers, rights and remedies, so provided for in

Rights which may be granted to bondholders.

such mortgage deed, shall be valid and binding and available to the said holders or trustees in the manner and form as therein provided.

Registration  
of mortgage.

**15.** Every such mortgage deed shall be registered in the books of the company and in the registry office of the county in which the mortgaged property is situated, in the manner provided by the present act.

Bonds to be  
first preferen-  
tial claim on  
undertaking.

**16.** The bonds, debentures or other securities shall be deemed to be a first preferential claim and charge upon the company, and the franchise, undertaking, tolls and income, rents and revenues, the moveable and immovable property thereof, at any time acquired; and the rights, privileges, concessions, advantages, servitudes and other accessories of the said systems, or against any portion thereof, which shall be specially affected by the deed of mortgage aforesaid to the payment of said bonds, debentures or other securities, save and except the working expenditure, as mentioned in section 14 of this act, and save also the real rights or charges having priority by previous registration.

Ranking of  
bondholders.

Proceedings  
to be under  
deed to recover  
amount  
thereof.

**17.** Each holder of the said bonds, debentures or other securities qualified by mortgage as above, shall be deemed to be a mortgagee upon the said securities *pro rata* with all the other holders; and no proceedings authorized by law or by this act shall be taken to enforce payment of the said bonds, debentures or other securities or of the interest thereon, except in the manner provided by the deed, through the trustee or trustees appointed by or under such mortgage deed, if any such trustees have been appointed.

Bonds pay-  
able to bear-  
er.

**18.** All the bonds, debentures or other securities, hereby authorized, may be made payable to order or to bearer, and in the latter case they shall be transferable by delivery.

Plan, &c., of  
works may be  
deposited in  
office of Com-  
missioner of  
Colonization  
and Mines.

**19.** It shall be lawful for the company to deposit in the office of the Commissioner of Colonization and Mines an official plan and book of reference, certified by the secretary of the company, of any system of water-works, sewers or lighting, indicating the line and location of the system, and all information necessary to make the description thereof understood, and to designate such system on the said plan and book of reference by one or more special numbers or designations different from the numbers and designations on the official plan of the cadastre of the municipality or municipalities in which such system is situated: and the Commissioner of Colonization and Mines shall receive such plan and book of reference, and, if found correct, shall send a certified copy to the registrar of the division or divisions in which such system is situated.

Copy to be  
sent to regis-  
trars.

**20.** All changes, extensions and corrections in the said **plan and book of reference** may be made in the same manner: Changes therein.

**21.** The Commissioner of Colonization and Mines shall **cause a notice to be published in the *Quebec Official Gazette*** Notice of deposit of plan, &c. and book of reference so transmitted to him by the registrar as aforesaid.

**22.** Such plan and book of reference, or any copy thereof **certified by the registrar**, shall be received as evidence in Effect of plan- all courts of justice.

**23.** Every registrar, who receives the said plan and book of reference, shall make the ordinary entries thereof Entries respecting, in books of registrar. in his office books, and shall receive and register in the usual manner any deed of mortgage, transfer or other deed respecting the system described in the said plan and book of reference or any portion thereof.

**24.** By the registration of every such mortgage deed Lien on particular systems effected by registration of mortgage deed. against any system of water-works, sewerage or lighting in the form above-provided, a lien shall be established upon all moveable and immoveable property, rights, concessions, advantages, servitudes, rents, revenues and other accessories constituting such systems or forming part thereof, or connected therewith, as described in the said mortgage deed; and all the moveable and immoveable property, rights, concessions, advantages, servitudes, rents, revenues and accessories aforesaid may be sold by authority of justice in the same manner as the immoveables by the mortgagees or trustees mentioned in the said mortgage deed.

**25.** If the company make default in paying the principal of, or interest on any of its bonds, debentures or other securities at the time prescribed in the mortgage deed, the system so hypothecated may, at the request of the mortgagees or of their trustees, after thirty days' notice, be sequestrated in the hands of a third party, for a certain period, by a judge of the Superior Court, with power to take possession of the said system, administer the same and collect the revenue thereof, and thereupon such rents and revenues shall be applied, in the first place, to the payment of the cost of putting the said system in operation and of its maintenance, and afterwards to the payment of the said mortgagees, the whole subject to the rendering of a quarterly account by the said sequestrator to the said company or its representatives. Sequestration of system by mortgagees, in event of non payment of interest, &c.

**26.** Every system of water-works, drainage or lighting, Each system. all the privileges, advantages and rights connected there- liable only for

its particular  
debts, &c.

with, and all the moveable and immoveable property constituting such system or undertaking, or forming part thereof, either as accessories or otherwise, which shall be specially mortgaged as security for an issue of bonds, debentures or other securities, shall be liable or subject only to the payment of the debts, obligations or claims directly contracted for, in connection with the purchase, construction, maintenance and working or use of such system or undertaking, so that the creditors of the company, to whom mortgages have been given upon other systems or enterprises, shall be limited, in the exercise of their rights and claims, to the systems or works mortgaged in their favor.

Recourse of  
chirographic  
creditors.

The chirographic creditors, however, may exercise all the rights granted to them under the common law.

Power of  
company if it  
undertakes  
construction  
of a municip-  
al system of  
water-works,  
&c.

**27.** In the event of the company undertaking the construction of a system of water-works, drainage, lighting or telephone in any municipality, the company may make arrangements with the corporations from which it shall have obtained concessions or franchises for a certain number of years, for the construction and working of such system, in virtue whereof the revenues of said systems shall be collected or levied by the said municipal council. And, notwithstanding any provision to the contrary in the charter of such municipality, and provided it be thereto authorized by petition of the majority in number and in value of the rate-payers of that portion of the municipality to which the system shall extend, the council may, in such cases, bind itself, by by-law, to collect or levy the said revenues, and may moreover, guarantee the bonds or debentures issued by the company in connection with the said systems, to the extent of two-thirds of the revenues, the collection whereof shall have been confided to it by the company; but such guarantee shall not be for a longer period than that of the concession or franchise granted to the company by the said corporation in connection with the said systems. And, in the event of the said revenues not being binding, the council of the municipality may cause to be prepared by its secretary-treasurer, an estimate of the probable revenues of the said system, and such estimates, after having been approved by the council, shall serve as a basis for establishing the amount of the said guarantees. The revenue, as collected by the corporation, shall be devoted to the payment of the interest on, and the capital of the bonds or debentures which it shall have so guaranteed, either in whole or in part, as the municipal council of such corporation shall decide.

Application  
of revenue  
collected.

Service of  
documents  
upon rate-  
payers how  
affected.

**28.** When documents affecting the said systems shall require to be personally served upon the rate-payers of the municipality in which such systems are situated, such service may be made at the office of the corporation and by



the publication of a notice in French and in English, on two consecutive occasions in a newspaper of the municipality, or, in default thereof, of the district, in which such systems are situated.

**29.** It shall be lawful for the said company, in the event of voluntary liquidation or amalgamation with another company incorporated for the same purpose, to transfer the privileges and powers conferred upon it by the present act, and the company to which such powers shall have been transferred, may exercise and enjoy the same as if directly conferred upon it by this Legislature. Transfer of privileges, &c.

**30.** This act shall come into force on the day of its sanction. Coming into force.

## CAP. LXXXII

An Act to amend the act 56 Victoria, chapter 78, incorporating the Lake Megantic Pulp Company.

[Assented to 10th March, 1899]

**W**HEREAS the Lake Megantic Pulp Company has, by its petition, represented that it is desirous of obtaining and has prayed for the passing of an act amending its act of incorporation contained in the act 56 Victoria, chapter 78, for the purpose of increasing the powers to it granted by the said act of incorporation, for the purpose of creating water-powers, and constructing dams, for the erecting of bridges upon the banks of and over the river Chaudière and Lake Megantic and in the vicinity of Lake Megantic, and for the erection and working of manufacturing establishments, water-works, and workshops, for the manufacture of paper, pulp and lumber, for making electrical apparatus, and producing electricity for lighting, and for motive power in connection with such water-powers, dams and bridges, and to construct and operate a branch or branches of railway from the lines of the Quebec Central Railway and the Canadian Pacific Railway to the company's works; Preamble.

And it is expedient that the prayer of the said petition be granted:

Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

**1.** Section 3 of the act 56 Victoria, chapter 78, is replaced by the following: 56 V., c. 78, s. 3, replaced.

**“3.** The capital stock of the said company shall be fifty thousand dollars, divided into five hundred shares of one hundred dollars each; which capital may, from time to time, Capital stock, shares and increase thereof.

be increased to one million dollars according to the requirements of the company, as shall be decided by a vote of the holders of the majority in value of the shares at a general meeting or at a meeting convened for that purpose."

Power of com-  
pany to erect  
dams, &c., in  
Chaudiere at  
certain places.

**2.** The said corporation, hereinafter called "the company," shall have power to erect, construct and maintain a dam or dams along the river Chaudiere, between the townships of Whitton and Spalding, on lands belonging to it, to obtain and secure sufficient supplies of water and power for the purposes of the company, and also to conduct water from the said river and from Lake Megantic, by canals and flumes, to be made by the company at any place on the said river along the banks thereof, for hydraulic and manufacturing purposes; and may also construct all necessary locks, piers, and other works on the said canals; may enter and take possession of the bed and beach of the said river at the entrance of the said canals or flumes, or tail races for water-powers taken from the said canals or flumes, or to deliver water on the wheels, or build a power-house or power-houses; may enter upon and survey all lands on the line of the said river, and, from time to time, may purchase, acquire, hold and enjoy all lands necessary for the said purposes, and for such ditches as may be along the banks of the said river and for a road on either or both sides thereof; and may, provided it does not interfere with navigation, make all bridges, intersections, and crossings, whether through, under or upon public or private roads, or any aqueduct or canal; and may erect all necessary dams, piers, wharves, flumes or other works, to secure the necessary supply of water for the said works.

Company  
may :  
Use, &c.,  
water, &c.

**3.** The company may :

(a). Use, sell, dispose of or lease water from the said flumes, dams or canals, which may be found useful and applicable to drive any machinery in mills, warehouses and manufactories; purchase, acquire, hold or possess lands along the sides of said flumes, dams or canals on either side or both sides thereof, and down to the said river; sell, dispose of, or let and lease the said lands, with or without water-power, on such terms and conditions as it may think fit; construct and maintain stores, warehouses, sheds or other buildings for the reception and storing of goods; and construct elevators, cranes and weigh-beams, and all such other works and erections as shall be requisite to give effect to the full intent and meaning of this act;

Manufacture  
wood pulp,  
&c. :

(b). Manufacture mechanically ground wood pulp, chemical pulp, and paper, lumber, and all incidental thereto, in all its branches; manufacture, supply, sell and dispose of electricity for the purpose of light, heat or motive power, and any other purpose for which the same may be used;

(c) Acquire, manufacture, construct, erect, maintain and operate all buildings, works, structures, apparatus, meters, pipes, wires, appliances, fittings, supplies and machinery, necessary or advisable in connection with the said business, and deal with or dispose of the same in any manner that the directors deem advisable ; Acquire, &c., buildings, &c.;

(d) Acquire by purchase, license or otherwise, and use, license or otherwise dispose of, any invention or letters-patent, or any right to use or employ any inventions in connection with the production, manufacture or supply of electricity ; Acquire, &c., inventions, &c.;

(e) Acquire and operate the works, stock, property franchises, assets and business of any person, company, city, town, village or municipality, and whether incorporated or not, authorized to carry on any business, comprised in the subjects of this act ; or enter into any arrangements for such purpose or in connection therewith and for assuming the liabilities of such person, company, city, town, village or municipality in respect thereof ; and acquire, hold or dispose of the whole or any part of the shares, debentures, and securities of such person, company, city, town, village or municipality, with which the company has entered into an arrangement or contract ; Acquire, &c., works, &c., of other corporations, &c. ;

(f) Construct tramways within the limits of the townships of Ditchfield and Whitton, wharves, docks, offices, and all necessary buildings, and purchase, hire, build and repair steam and other vessels for the services of the company ; Construct tramways, &c. ;

(g) Grant licenses to any person, company or municipal corporation to use any patent, license or right held and owned by the company, and receive payment therefor, either in cash or in bonds or debentures, or fully paid up shares of the capital stock of any other such company or corporation, and, to such extent, become a shareholder in any such company ; (Grant licenses to persons for certain purposes ;

(h) Locate, construct and operate a branch or branches of railway from points on the Quebec Central Railway and on the Canadian Pacific Railway in the township of Whitton, to any industrial establishments of said company in the townships of Whitton and Spalding ; and the provisions of the railway law of this province shall apply to the company for the purposes of this section ; Locate, &c., branch lines of railway to works ;

(i) Acquire, construct and maintain any dam, slide, pier, boom, or other work necessary to facilitate the transmission of timber down any river or stream, and for the purposes of blasting rocks, dredging, or otherwise improving the navigation of such streams for said purpose. Acquire, &c., dams, &c.

Provided that the company shall not construct any such work over or upon, or otherwise interfere with or injure any private property or the property of the Crown, without Proviso.

having obtained the consent of the owner or occupant thereof, or of the Crown, or having acquired the right so to do, as hereinafter provided.

Certain articles of Revised Statutes to apply.

Articles 4970, 4972, 4973, 4974, 4975, 4976, 4977, 4978, 4979, 4980, 4981, 4982 and 4983 of the Revised Statutes of the Province of Quebec, shall apply, *mutatis mutandis*, to such works in the same manner and to the same extent as provided by such articles.

Power to enter on highways, &c., for certain purposes.

4. With the consent of the municipal council or other authority having jurisdiction over any highway or public place, the company may enter thereon for the purpose of constructing and maintaining lines for the conveyance of electric power; and, when deemed necessary by the company for the purpose of its system for supplying electric power, may erect, equip, and maintain poles and other works and devices, and stretch wires and other electrical contrivances thereon, may supply electricity to any municipal corporation, or to any unincorporated town or village, and, as often as the company think proper, may enter upon, use, break up and open any highway or public place, subject however to the following provisions:

Conditions:

Public right of travel not to be interfered with;

(a) The company shall not interfere with the public right of travel, or in any way obstruct the entrance to any door or gateway, or free access to any building;

Wires not to be suspended at less than certain height:

(b) The company shall not permit any wires to be suspended less than twenty feet above the level of the street or highway, nor, without the consent of the municipal council, erect more than one line of poles along any highway;

Poles, &c., to be straight, &c.:

(c) All poles shall be, as nearly as possible, straight and perpendicular, and shall be painted if so required by any by-law of the council;

Company not to be entitled to damages if poles, &c., cut, &c., during fires:

(d) The company shall not be entitled to any damages on account of its poles or wires being cut by the direction of the officer in charge of the fire-brigade at any fire, if, in the opinion of such officer, it is advisable that such poles or wires be cut;

Opening of streets to be under direction of municipal authorities:

(e) The opening up of the streets for the erection of poles, or for carrying wires underground, shall be subject to the direction and approval of such person as the municipal council appoints, and shall be done in such manner as the said council directs; the council may also designate the places where such poles shall be erected, and the streets shall, without any unnecessary delay, be restored, as far as possible, to their former condition, by and at the expense of the company;

Wires may be ordered to be placed underground:

(f) In case efficient means are devised for carrying telegraph or telephone wires underground, no act of the Legislature requiring the company to adopt such means, and abrogating the right given by this section, to carry lines on poles, shall

be deemed an infringement of the privileges granted by this section, and the company shall not be entitled to damages therefor;

(7) If, for the purpose of removing buildings, or in the exercise of the public right of travel, it is necessary that the said wires or poles be temporarily removed, by cutting or otherwise, the company shall, at its own expense, upon reasonable notice in writing from any person requiring it, remove such wires or poles, and in default of the company so doing, such person may remove such wires and poles at the expense of the company. The said notice may be given either at any office of the company or through any agent or officer of the company, in the nearest municipality to that in which such wires and poles are.

Company to remove wires, &c., for certain purposes.

How notice to be given.

5. The directors may, whenever authorized by a by-law for that purpose, approved by the votes of holders of at least two-thirds in value of the subscribed stock of the company present or represented by proxy, at a special general meeting called for considering such by-law, borrow such sums of money, not exceeding in amount seventy-five per cent. of the paid-up capital stock of the company, as the shareholders deem necessary, and may issue bonds or debentures therefor, in sums of not less than one hundred dollars each, at such rate of interest, and payable at such times and places and secured in such manner, by mortgage or otherwise, upon the whole or any portion of the property and undertaking of the company, as may be prescribed by such by-law, or decided upon by the directors under the authority thereof. The company may make such provision respecting the redemption of such securities as may be deemed proper.

Power to borrow.

6. The directors may make and issue, as paid-up and unassessable stock, shares of the capital stock of the company in payment of and for all or any of the businesses, franchises, undertakings, properties, rights, powers, privileges, letters-patent, real estate, stock and assets or other property of any person, company, or municipal corporation, which it may lawfully acquire in virtue of this act, and may allot and hand over such shares to any such person, company, or corporation or to its shareholders; and may also issue, as paid-up and unassessable stock, shares of the capital stock of the company, and may allot and hand over the same in payment for right of way, lands, rights, plant, property, letters-patent of invention, rolling stock or materials of any kind, or services rendered to the company; and any such issue and allotment of stock shall be binding on the company, and such stock shall not be assessable for calls nor shall the holders thereof be liable in any form thereon, and the company may pay for any such property or services rendered to the company,

Power to issue paid-up stock for certain purposes.

wholly or partly in paid-up shares, or wholly or partly in debentures, as the directors may deem proper.

Bonds to be  
in sterling or  
currency.

**7.** The mortgage bonds and debentures of the company may be issued either in Canadian currency or in sterling, or in both at the option of the company.

Power to re-  
ceive aid, &c.

**8.** The company may receive from any government, or from any person, city, town, village or municipal corporation, and whether incorporated or not, and having power to make or grant the same, in aid of the construction, equipment and maintenance of the said works, grants of land, exemption from taxation, loans, gifts of money, guarantees and other securities for money, and may hold and dispose of the same for the purposes of the company.

Report to  
Commissioner  
of Public  
Works, &c.

**9.** Before commencing the laying of wires, or the erection of flumes, the company shall be bound to make to the Commissioner of Public Works a report of the works which it proposes to undertake, and to send a copy of the same to the municipal council of the municipality in which the projected works are to be made, or if it happen that such works are situated in more than one municipality, then to the municipal council of each municipality within the limits of which the projected works are situated, except on its own land.

Power to cut  
off supply for  
non-payment  
of rent.

**10.** If any person, supplied by the company with water or electricity, neglect to pay the rent, rate or charge due to the company, at any of the times fixed for the payment thereof, the company or any person acting under its authority, on giving forty-eight hours' notice, may stop the supply of water or electricity or power from entering the premises of the person in arrears as aforesaid, by cutting off the service pipe or wires, or by any other legal means as the company or its officers see fit and may recover the rent or charge then due, together with the expenses of cutting off the water or electricity; notwithstanding any contract to furnish electricity or water or power for a longer time.

Removal of  
fittings, &c.,  
when supply  
cut off.

**11.** As soon as the company has cut off and taken away the supply of water or electricity from any house, building, or premises, the company or its agents and workmen, may enter into the house, building or premises, between the hours of nine o'clock in the forenoon and four in the afternoon, making as little disturbance and inconvenience as possible, and may remove and take away any wire, meter, cock, branch, lamp, or apparatus which are the property of the company.

Examination  
of meters, &c.

Any servant of the company, duly authorized, may, between the hours aforesaid, enter any house into which water or electricity has been taken, for the purpose of examining

any meter, wire or apparatus belonging to the company, or used for the water and electricity ; and if any person refuse to permit, or do not permit the servants and officers of the company to enter and perform the acts aforesaid, the person so refusing or obstructing shall for every such offence incur a penalty in favor of the company not exceeding forty dollars, and a further penalty not exceeding four dollars for every day during which such refusal or obstruction remains.

Penalty for refusing permission, &c.

**12.** When the lands adjacent to or connected in any manner and to any extent with the water powers on the Chaudiere River and around Lake Megantic are or shall be inundated by the development of these water-powers, or when it shall be necessary to obtain land or right of way for laying lines for transmission of electricity, or for building dams, piers, booms or other works necessary to facilitate the transmission of timber, and to attain the object for which the company has been incorporated, an indemnity to cover once for all the depreciation of these lands caused by the exercise of its rights by the company shall be determined by experts in accordance with the provisions of the expropriation law of the Province of Quebec and not otherwise.

Authorization to expropriate certain lands in Chaudiere river and Lake Megantic for certain purposes.

**13.** Whenever it shall be necessary to have recourse to any expropriation, the expropriation shall only be effected in accordance with the provisions of the Expropriation Act of the Province of Quebec ; with the exception of land expropriated for the construction of a branch or branches of railway.

Law to govern expropriations.

**14.** Nothing in this act shall be interpreted as conferring upon the company any powers outside of the counties of Beauce and Compton, to which counties this act is limited.

Powers of company confined to certain counties.

**15.** This act shall come into force on the day of its sanction.

Coming into force.

### CAP. LXXXIII

An Act respecting the issue of bonds by the Merchants' Cotton Company.

[Assented to 10th March, 1899.]

**W**HEREAS by act of this Legislature, 49-50 Victoria, chapter 67, the Merchants' Manufacturing Company was authorized to issue bonds ; and whereas the said company, now the Merchants' Cotton Company, has presented a petition setting forth that by-law No. 22 has been passed by the directors of the said company, and confirmed at a

Preamble.

meeting of the shareholders of the said company, increasing the amount of bonds issued, and that a resolution has been passed by said shareholders authorizing and empowering the said directors to apply for an act ratifying such increase of bonds; and whereas it is expedient to grant the prayer of the said petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

49-50 V., c.  
67, s. 1, re-  
placed.  
Power to is-  
sue bonds.

**1.** Section 1 of the act 49-50 Victoria, chapter 67, is replaced by the following:

“**1.** The Merchants' Cotton Company is authorized and empowered to issue bonds, in one or more issues, to the amount of four hundred thousand dollars, for such term and at such rates of interest, not exceeding eight per cent., as the directors may decide, with or without coupons, and if with coupons, that the same may be signed with the engraved signature of the secretary of the company.”

Certain by-  
law ratified.

**2.** The by-law,—being by-law No. 22 of the said company, passed by the directors and confirmed by the shareholders of said company, on the 31st of March, 1898, providing for the issue of bonds to the said amount of \$400,000, at such date as the directors may determine, and payable in ten years from the date thereof, and bearing interest at a rate not exceeding four and one-half per cent. per annum, payable half yearly, said bonds to have coupons attached for the payment of interest, and to be signed with the engraved signature of the secretary of the company, in which, moreover, power is given to grant a hypothec upon all the immoveable property, buildings and machinery of this company to trustees on behalf of the holders of said bonds and coupons, such hypothec to exist in favor of all holders of the said bonds concurrently—is hereby ratified and confirmed as fully as if the said by-law was set forth at length in this act.

Law applic-  
able to by-law  
and issue of  
bonds there-  
under.

**3.** All the other provisions of the said act, 49-50 Victoria, chapter 67, are hereby declared to apply to the said by-law, and to the issue of bonds to the said increased amount of \$400,000, and to any bonds, in one or more issues, issued under the said by-law No. 22, or that may be issued under any future by-law passed in conformity with the said chapter 67 and with the present act.

Coming into  
force.

**4.** This act shall come into force on the day of its sanction.



## . CAP. LXXXIV

An Act to define and extend the powers of the Montreal Loan and Investment Company.

[Assented to 10th March, 1899.]

**W**HEREAS the Montreal Loan and Investment Company, Preamble.  
a body corporate and politic, duly incorporated under the provisions of the Revised Statutes of the Province of Quebec (articles 5401 and following) has, by its petition, represented :

That, from the nature and extent of its business and financial operations, it is desirable to have additional powers and to better define them ;

And whereas it is expedient to grant the prayer of the said petition ;

Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

1. The Montreal Loan and Investment Company is hereby declared to be a body corporate and politic having its principal place of business in the city of Montreal and Province of Quebec. Company declared to be a corporation. Head office.

2. The company shall not be deemed to be a new corporation, but shall have, hold and continue to exercise all the rights, powers and privileges that it has heretofore held and exercised under section 1 of chapter 4 of title 11 of the Revised Statutes of the Province of Quebec. Not a new corporation.

3. The company shall continue to be vested with all the property, moveable and immoveable, rights, rights of action, claims or any other property or asset or claim whatsoever, which the said company now has, and shall be responsible for all liabilities or other claims whatsoever now existing against the said company. With what property vested.

4. The present contracts, regulations, rules and by-laws of the said company shall be continued and remain in force until they shall be modified or changed hereunder. Existing contracts, &c., continued, &c.

5. The present officers of said company shall remain such officers until their successors shall be elected or appointed according to the regulations and by-laws of said company. Present officers continued.

6. The said company shall have the right to issue the following classes of stock : Stock that company may issue ;

(1) Terminating stock or shares which shall include all stock or shares or capital which are liable to be withdrawn or repaid by the company. Terminating stock ;

Terminating stock may be of two kinds, of the maturity value of \$100 each :

(a) Instalment shares, the subscription in payment thereof not to exceed \$1.00 per month for each share, and to mature in such time as may be regulated by by-law.

(b) Paid-up shares, whereby, for a single payment, the company may issue shares maturing in such time as may be by by-law regulated.

Permanent stock.

(2) Permanent stock or permanent shares, which shall include all stock or shares of permanent or fixed capital not liable to be withdrawn or repaid by the company, the par value whereof shall be \$100.00.

Who may become members of company.

7. All persons whosoever may become members of the company; copartnerships, companies and corporate bodies may hold shares therein in the same manner as single individuals.

Dividends, &c., upon instalment shares when payable.

8. Holders of instalment shares shall not receive, from the funds of the company, any interest or dividend or any other annual or periodical profit until the maturity of their shares, except on the withdrawal of such shareholders according to the rules of the company then in force.

Dividends upon paid up terminating shares when and how payable.

9. Holders of paid-up terminating shares shall not receive an annual dividend or profit upon the amount paid in by them therefor, beyond one half of the net amount earned by such shares during the current year in which said dividend is paid.

How permanent shares to be issued. Not to be sold at less than par.

10. Permanent shares can only be issued under and in virtue of a by-law of the company authorizing the same. No permanent stock or shares shall be sold by the company at less than par.

Sales, &c., not binding unless registered in company's book. Transfers at other places.

11. No sale, transfer or assignment of any stock shall be binding on the company, until the same shall have been entered in the register at the head office. If any sale, transfer or assignment of stock is made elsewhere, it must be forthwith reported to and entered at the office.

Certain articles of R. S., to apply to company.

12. Articles 5401, 5404, less the last paragraph, 5406, 5407, 5408, 5409, 5410, 5411, 5414, 5415, 5416, 5417, 5418, 5419, 5420, 5421, 5422, 5423, 5424, 5426, 5427, 5428, 5429, 5437, 5438, and 5440, of the Revised Statutes shall apply, *mutatis mutandis*, to the said company.

General statement to be provided.

13. The by-laws of the company shall provide that the treasurer thereof shall, between the first day of January and the third Wednesday of February following, in

each year, prepare a general statement of the financial transactions of the company during the twelve months previous to the said first day of January, also a statement showing the assets and liabilities of the company, which statement shall be attested by the signatures of the manager, treasurer and auditor of the company, a copy whereof shall be furnished to each shareholder free of charge.

**14.** The company shall not be authorized to borrow any greater sum, together with sums previously borrowed, than one-half of the net value of its hypothecary securities. Limit of borrowing power of company.

**15.** The certificate of the secretary of the company, under the seal of the company shall be *prima facie* evidence of any by-law, contract of subscription of stock, indebtedness or of any statement, account or extract from the books of the company, in any court of civil jurisdiction in this province. This clause shall not apply to authentic documents. Certificate of company's secretary to be *prima facie* evidence as to by-laws, &c.

## CAP. LXXXV

An Act to incorporate the Provincial Trust and Agency Company.

[Assented to 10th March, 1899.]

**WHEREAS** the persons hereinafter named have petitioned Preamble. for an act of incorporation, with power to act as trustees, and executors of wills, to execute trusts, to manage estates and trust funds, to act as attorneys for executors and trustees, to act as liquidators of partnerships and joint stock companies, curators to property abandoned by insolvents, and for other purposes;

And whereas it is expedient to grant the prayer of their petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

**1.** The Hon. Pierre Garneau, the Hon. John Sharples, Persons incorporated. Andrew Thomson, John Theodore Ross, Gustavus G. Stuart, Ephraim Elliott Webb, George H. Thomson, Stuart H. Dunn, John Brakey, Charles A. Pentland, all of the city of Quebec, and such other persons as now are or may hereafter become shareholders in the company, are hereby constituted a body politic and corporate under the name of the "Provincial Trust and Agency Company."

Power to take,  
&c., real and  
personal pro-  
perty, &c.

**2.** The said company is hereby authorized and empowered to take, receive and hold all estates and property, real and personal, which may be committed, transferred or conveyed to it, with its consent, upon any trust or trusts whatsoever (not contrary to law) at any time, by any person or persons, body or bodies corporate, and to administer, fulfil and discharge the duties of such trust, for such remuneration as may be agreed upon.

Power to act  
as agent, &c.

The said company is further authorized to act generally as agent or attorney for the transaction of business, the management of estates, the collection of rents, interests, dividends, mortgages and other property generally, and also as agent for the purpose of issuing or countersigning the certificates of stock, bonds or other obligations of any corporation or association.

Company  
may act as  
executor, &c.

**3.** The said company may accept and execute the office of executor, administrator, trustee, liquidator of partnerships or joint stock companies, or may act as agent or representative of any person holding any of the above offices.

Liability of  
company as  
trustee, &c.

**4.** The liability of the company to the persons interested in the estate or property held by the company as trustee, assignee, executor, administrator or receiver, shall be the same as if the said estates had been held by any private person in such capacities respectively, and the powers of the said company shall likewise be the same; and the whole capital stock of the company, together with its property and assets, shall be taken and considered as security for the faithful performance of its duties, as aforesaid, and shall be absolutely liable in case of any default whatsoever; but no shareholder in the company shall be liable to any greater extent than the amount unpaid upon any stock held by him.

Power of com-  
pany to invest  
moneys.

**5.** The said company may invest money in real or personal property for the benefit of any person or corporation, and may undertake the care and management of investments so made and guarantee the security of the same and advance money on the security of the property so acquired; and any property, real or personal, acquired by the company, may be by it again sold and disposed of, provided always that any property acquired for the benefit of any trust estate, shall be subject to the terms of the deed or instrument constituting such trust, and the company shall be bound to execute such trust according to the terms and tenor of the deed or instrument constituting the same; and all money, property and securities of every kind received, held or administered by the company in trust under this act, shall be special deposits in the said company, and the accounts thereof shall, in each and every case, be kept separately, and

the investments thereof shall be specially appropriated to the security and payment of such deposits and shall not be subject to the other liabilities of the company.

6. The company shall annually render, without charge, an account, to each particular person, on request, of the property or moneys held by it for such person in trust, shewing where and how invested, the rate of interest earned and other particulars.

Annual account to be rendered of property held by it.

7. The company may stipulate and receive such remuneration for the services rendered as may be agreed upon.

Remuneration for services rendered.

8. The capital stock of the company shall consist of 4000 shares of \$50 each, amounting to the sum of \$200,000, with the privilege of increasing the same by a vote of the shareholders to \$500,000. As soon as a sum of \$100,000 shall have been subscribed, and ten per cent. paid in, the company may carry on the business authorized, and the directors shall not be obliged to make any further calls, unless the business or liabilities of the company shall require them so to do.

Capital stock and shares. Increase thereof.

When company may commence business.

9. The affairs of the company shall be administered by a board of directors, not less than seven in number.

Board of directors.

10. The following persons shall be the first directors of the company: the Hon. Pierre Garneau, the Hon. John Sharples, Andrew Thomson, John Theodore Ross, John Breakey, E. E. Webb, Gustavus G. Stuart.

First directors.

11. The corporation shall annually make to the Lieutenant-Governor in Council a return, attested under oath by the president or secretary, of the general state of its affairs, and the return shall be published in the *Quebec Official Gazette* at the expense of the company.

Return to Lieutenant-Governor in Council. Publication thereof.

12. The present act shall come into force on the day of its sanction.

Coming into force.

## CAP. LXXXVI

An act to incorporate the Civic Investment Company.

[Assented to 10th March, 1899]

WHEREAS Peter S. G. Mackenzie, advocate, Simon Fraser, notary public, and George E. Borlase, notary public, all of the town of Richmond, in the Province of Quebec, have by their petition prayed to be incorporated under the name of "The Civic Investment Company," and it is expedient to grant the said petition:

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

Persons incorporated.

**1.** Peter S. G. Mackenzie, advocate, Simon Fraser, notary public, and George E. Borlase, notary public, all of the town of Richmond, in the Province of Quebec, and such other persons as may hereafter become associated with them, are incorporated under the name of "The Civic Investment Company," and the said Peter S. G. Mackenzie, Simon Fraser and George E. Borlase shall be the first directors thereof.

Name.

First directors.

Capital stock and shares.

**2.** The capital stock shall be fifty thousand dollars, divided into five hundred shares of one hundred dollars each, of which ten per cent. shall be paid up before the company shall begin its operations.

Power of company as to investment of its capital.

**3.** The company may invest its capital in hypothecs on real estate in any city or town or in the inscribed stock, bonds or debentures thereof, or of any village or other municipality in the Province of Quebec, and in the stock, bonds or debentures of any corporation having for its object the exploitation of tramways or the supplying of heat, water, light or power within the limits thereof.

Power to lend money.

**4.** The company may lend money on the security of any property in which it is empowered to invest.

General powers of company to do business.

**5.** The company may contract for, construct and equip the enterprise and undertaking of any corporation in the stock, bonds or debentures whereof it is authorized to invest. It may lease and operate the same, and shall enjoy for that purpose, and may exercise the charter powers of such corporation during the term of such lease.

Power to borrow money.

**6.** The company may borrow money on the security of its assets, and for that purpose may transfer to and vest in trustees any or all of its contracts, hypothecs, stock, bonds, debentures, or other assets, to be held by such trustees in trust to secure the payment of debentures to be issued by the company on the security thereof.

Representation of company by its shareholders.

**7.** The company may appoint one or more of its shareholders to represent it on the board of directors of any corporation in which it may hold stock and qualify them for that purpose by transferring to them the requisite number of shares.

Company may bid, &c., at certain sales.

**8.** The company may, at any sale of the assets of or of the shares in any joint stock corporation in the bonds or debentures whereof it shall have invested any of its capital, bid up and acquire the same.

**9.** In the event of the company acquiring such assets or shares, it may amalgamate and consolidate, under its own name, with and carry on the business of such corporation, on terms approved of by the shareholders of both companies, and set out in a notarial deed to be deposited in the office of the Provincial Secretary, and for that purpose the amalgamated company shall enjoy and may exercise the charter powers of both companies and shall assume their obligations.

Power to amalgamate with other companies.

**10.** The stock of the company may be increased, from time to time, by resolution by two-thirds of its shareholders, after the whole of the original stock has been paid up ; but all such stock shall be issued for cash or for consideration to be expressed in a contract to be deposited in the office of the said Provincial Secretary ; provided that the total capital shall at no time exceed three hundred thousand dollars.

Increase of capital stock.

**11.** The company shall maintain its head office at Richmond, or at such other place within the Province as may be fixed by by-law published in the *Quebec Official Gazette*.

Head office of company.

**12.** This act shall come into force on the day of its sanction.

Coming into force.

## CAP. LXXXVII

An Act to consolidate the acts relating to the Windsor Hotel Company of Montreal.

[Assented to 10th March, 1899.]

**WHEREAS** the Windsor Hotel Company has, by its Preamble, petition, represented that it is desirous of consolidating the acts relating to its organization, and of obtaining certain additional powers ;

And whereas it is expedient to grant the said petition ;

Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

**1.** The present shareholders and those who may afterwards become shareholders shall constitute a body politic and corporate by the name of The Windsor Hotel Company of Montreal, and may, by and under such name, sue and be sued, implead and be impleaded, defend and be defended in all courts of law ; and by such name they and their successors shall have perpetual succession, and may have a common seal and may change and alter the same at pleasure, may acquire for themselves and successors, under

Persons incorporated.

Name and general powers.

any title whatsoever, property of all descriptions, real and personal, may sell, convey, lend, or otherwise dispose, or dispossess themselves of the same, or any part thereof, at all or at any time or times, as may be desirable, at any such price or prices, and on any such terms and conditions as they may see fit, and may be advisable, and may acquire other property, real or personal, for the purposes of this act.

Responsibility for existing liabilities.

2. The said company is responsible for all the existing liabilities of the Windsor Hotel Company of Montreal, and is vested with all the property thereof.

Capital stock and shares, &c.

3. The capital stock of the company shall be one million dollars in shares of one hundred dollar each, whereof five thousand are already issued and fully paid up, one thousand are authorized to be issued fully paid up and divided *pro rata* among the shareholders according to their respective holdings in the company's stock for the purpose of indemnifying them for expenditure made by the company out of revenue upon capital account; and as to the remainder of the said capital stock, to wit, four thousand shares, the same may be issued as the directors may determine, to provide additional capital for the company's business, or to purchase the debentures of the company from time to time, or may be exchanged for any of the company's outstanding debentures.

Certain debentures declared valid, &c.

4. The existing debentures secured by first hypothec upon the company's property are declared to be valid and binding.

Power to erect, &c., hotels, &c., in Montreal, &c.

5. The company may erect and maintain in the city of Montreal hotels and other buildings necessary thereto, and carry on the business of hotel-keepers therein, or in such other buildings or property as they may see fit, or may lease the same, in whole or in part, for the carrying on of the said business, and reserve such portion of the said buildings as it may be thought fit for occupation by tenants for shops, stores and the like, and lease the same.

Board of directors. Quorum. Qualification of directors.

6. The affairs of the company shall be managed by a board of seven directors, of whom four shall form a quorum, and no person shall be elected or can act as a director unless he is a shareholder in the company to the extent of at least twenty-five shares in the capital stock of the company, and not in arrears in respect to any call thereon.

Election of directors.

7. The directors of the company shall be elected by the shareholders at the general meeting of the company, at such time and under such terms and conditions as may be prescribed by the by-laws of the company, and the said directors



or a majority of them may, from time to time, supply the place or places of any of their number dying or declining to act as such directors from among the several persons being subscribers for or owning or holding shares in the said company sufficient to qualify them to act as such directors,—the director or directors so appointed to hold office till the next annual meeting of the company.

8. The company may borrow money in manner as hereinafter described for the purpose of acquiring property, erecting buildings, and generally of carrying on its business when, at any general or special meeting of the shareholders regularly called, upon due notice, a vote to that effect shall be carried by two-thirds of the votes recorded at any such meeting, personally or by proxy.

As security for money so borrowed, the company may mortgage or hypothecate, in whole or in part, its property real or personal, and may transfer the same to trustees to secure debentures, which debentures may be issued by the company under seal.

9. The trustee or trustees named in any such deed shall be vested with the property conveyed to them thereby in trust for the benefit of the holders of the said debentures, and shall be entitled to take such proceedings for the protection of the debenture holders as may be required under the said deed.

10. Except as to property acquired or liabilities already incurred, the existing acts of the Legislature relating to the company, to wit: 38 Victoria, chapter 91, 40 Victoria, chapters 75 and 76, and 42-43 Victoria, chapter 79, are repealed.

11. This act shall come into force on the day of its sanction.

## CAP. LXXXVIII

An Act to incorporate The Builders' Exchange.

[Assented to 10th March, 1899.]

WHEREAS Alexander Bremner, dealer in builders' supplies; Joseph W. R. Brunet, brick manufacturer; William T. Bonner, dealer in steam-heaters; Amos Cowen, builder; James Cochrane, dealer in asphalt; Phelps Johnson, manager of the Dominion Bridge Company; Thomas Ford, carpenter; Frank Fournier, mason; James W. Hughes, plumber; John H. Hutchison, mason; Hubert R. Ives, founders' supplies; James C. King, steam-heaters; Peter Lyall,

Vacancies in board.

Power to borrow &c.,

Security for loans.

Property vested in and powers of trustees.

Acts repealed, &c.

Coming into force.

Preamble.

builder; Charles W. Trenholme, lime-manufacturer; John McLean, plasterer; Wilmer T. McLaurin, lumber-merchant; William McNally, dealer in cement, tiles and fire-brick; James Paton, carpenter; William H. Browne, manager Royal Electric Company; George J. Sheppard, brick-manufacturer; James Simpson, builder; Walter P. Scott, decorator; James T. Shearer, lumber-merchant; John Wighton, mason, and Charles T. Williams, roofer, all of the city of Montreal, have prayed for an act incorporating them and all those who may become associated with them, a body politic by the name of The Builders' Exchange, for the purpose of promoting a good understanding among its members; of endeavoring to amicably adjust differences and settle disputes which may arise between its members, or between its members and the public; of insuring, as far as practicable, uniformity and certainty in the customs and usages of those engaged in the business of erecting buildings, or furnishing materials therefor and cognate trades, as well in their dealings with each other as with the public; of assisting in creating and maintaining a healthy tone in the building trade by affording accurate information regarding current transactions, and of providing suitable rooms wherein the members of the said Exchange may meet in the city of Montreal;

Whereas, it is expedient to grant the prayer of the said petition:

Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

**Persons incorporated.**

**1.** Alexander Bremner, dealer in builders' supplies; Joseph W. R. Brunet, brick-manufacturer; William T. Bonner, dealer in steam-heaters; Amos Cowen, builder; James Cochrane, dealer in asphalt; Phelps Johnson, manager of the Dominion Bridge Company; Thomas Ford, carpenter; Frank Fournier, mason; James W. Hughes, plumber; John H. Hutchison, mason; Hubert R. Ives, founders' supplies; James C. King, steam-heaters; Peter Lyall, builder; Charles W. Trenholme, lime-manufacturer; John McLean, plasterer; Wilmer T. McLaurin, lumber-merchant; William McNally, dealer in cement, tiles and fire-brick; James Paton, carpenter; William H. Browne, manager Royal Electric Company; George J. Sheppard, brick-manufacturer; James Simpson, builder; Walter P. Scott, decorator; James T. Shearer, lumber-merchant; John Wighton, mason, and Charles T. Williams, roofer, all of the city and district of Montreal, and all those who may become associated with them, are constituted a body politic by the name of "The Builders' Exchange."

**Name.**

**Purposes of corporation.**

**2.** The objects of the corporation are to promote a good understanding among its members; to endeavor to amicably adjust differences and settle disputes which may arise

between its members ; to insure, as far as practicable, uniformity and certainty in the customs and usages of those engaged in the business of erecting buildings or furnishing materials therefor and cognate trades, in their dealings with each other ; to assist in creating and maintaining a healthy tone in the building trade by affording accurate information regarding current transactions, and to provide suitable rooms wherein the members of the said Exchange may meet in the city of Montreal.

**3.** The persons hereinafter mentioned shall form the council or board of directors, for the first year of the existence of the corporation : James Simpson, builder ; Charles T. Williams, roofer ; Peter Lyall, builder ; Amos Cowen, builder ; John McLean, plasterer ; Frank Fournier, mason ; and Walter P. Scott, decorator, all of the city and district of Montreal. First board of directors.

**4.** The corporation shall have power to make by-laws regulating the number and admission of members, the levying and payment of fees, dues and penalties by them, and the expulsion of members for such reasons and in such manner as may, by by-law, be provided. Power to make by-laws for certain purposes.

**5.** No member shall be liable for any debt of the corporation beyond the amount of such fees, dues and penalties as he may owe to the corporation. Members not liable for debts of corporation.

**6.** All fees, dues and penalties, payable under any by-law by any person bound thereby, may be recovered in any action brought in the name of the corporation ; and, in such action, it shall be sufficient only to allege, and at the trial or hearing thereof to prove, that the defendant, at the date of the institution of the action, was or had been a member of the corporation, and that the amount claimed was standing unpaid in the books of the corporation, and a certificate containing such allegations and signed by the secretary-treasurer of the corporation shall be received in all courts of law as *prima facie* evidence of such allegations. Recovery of fees, dues, &c.

**7.** The corporation shall have the right to acquire, possess and hold immoveable property in the city of Montreal, for its own use, to a value not exceeding fifty thousand dollars and to sell, exchange or hypothecate the same and acquire other immoveable property in lieu thereof for its own use whensoever it may deem expedient. Power to hold, &c., immoveable property in Montreal to certain value.

**8.** The Joint Stock Companies' General Clauses' Act shall apply to the said corporation, in so far as the same is consistent with the present act. Law to apply.

**9.** This act shall come into force on the day of its sanction. Coming into force.

## CAP. LXXXIX

An act to incorporate the Montreal Moulders' Union.

[Assented to 10th March, 1899.]

Preamble.

**W**HEREAS, the persons hereinafter mentioned have, by petition, prayed to be incorporated together with other moulders who now constitute an association under the name of "The Montreal Moulders' Union," and it is expedient to grant their prayer;

Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

Persons incorporated.

**1.** Honoré Riendeau, Pierre Mailloux. Alphonse Desmarais, Jean Lafond, Louis Tremble, Gaston Pesant, Louis Marcotte, Alexandre R. Mitchell, Edward O'Kane, John Papps, and John Noonan, all moulders of the city of Montreal, with such other journeymen moulders as now constitute the said association, and such other persons as may hereafter unite with them, under the authority of this act, shall constitute a body politic and corporate under the name of "The Montreal Moulders' Union" whose head office shall be in the city of Montreal.

Name.

Head office.

Who are members of the association.

**2.** All the members who now belong to the association known as "The Montreal Moulders' Union" are *de jure* members of the corporation hereby constituted, unless they expressly resign.

General powers.

**3.** The corporation shall, under such name, have and exercise all the powers, privileges, rights and immunities of corporations legally constituted.

Purposes of corporation.

**4.** The object of the corporation is to protect its members, to grant them aid or benefits, to improve their condition, to unite them fraternally and to assist its members who are sick, disabled, aged, troubled, or in need, as well as the widows, fathers, mothers and orphans of its members or other persons depending on them.

Journeymen moulders to be alone members.

Conditions of membership.

**5.** Journeymen moulders alone have and shall have the right to become members of the said corporation.

Every journeyman moulder has a right to form part thereof, provided he fulfils the conditions determined by the by-laws.

Officers.

**6.** The officers of the corporation shall be a president, two vice-presidents, a recording secretary, a collecting treasurer, an assistant collecting treasurer, a marshal and such others as may hereafter be deemed necessary.

Such officers shall be elected as provided for by the present Election of act and by the regulations, and shall constitute the board officers. of management.

7. All regulations, ordinances and resolutions of the Adoption of corporation shall be adopted, at meetings, by the majority regulations, of the members present, except ordinary and current matters, &c. which shall be left, by the regulations, to the jurisdiction of the board of management.

8. All advantages or aid whatsoever, granted by the cor- Benefits, &c., poration to the members, their families who represent them, not liable to or to the persons depending on them, shall not be transfer- seizure. &c. able, nor liable to seizure, and shall be considered as alimony.

9. The corporation shall have power to make all regula- Powers of cor- tions for the management of its business and especially for poration to the following purposes : make regula- tions for cer- tain purposes.

(a) To give to its members and their families or persons depending on them every possible moral and material assist-  
ance ;

(b) To promote the social, moral and intellectual education of its members ;

(c) To give aid to its members who are sick, infirm, disabled, or in misfortune, in such manner, in such cases and under such conditions as shall be provided for by the regulations ;

(d) To establish a provident, benefit and mutual aid fund for the members of the corporation before or after death, as also for the members, who wish to withdraw from the society after a determined period, or in special cases, or in cases provided for ;

(e) To grant and assure to its members all other advantages which shall, from time to time, be instituted and determined by the regulations in the shape of benefits ;

(f) To determine the qualification of its members, the conditions of their admission and causes of dismissal or suspension, and the contribution to be paid into the general fund ;

(g) To determine the manner of convening regular or special meetings, and the order of proceedings to be followed at all meetings ;

(h) To govern the relations of the members between themselves.

10. The corporation may, from time to time, repeal or Amend- ment, amend its regulations, provide for their being carried out, &c., of regula- and impose fines for contraventions thereof. tions.

11. The corporation may dispose of ordinary, special or Disposal of unimportant business or business of a temporary nature, certain busi- by simple resolution. ness by reso- lution.

Limit of fines.  
How imposed.

**12.** The fines which it shall impose shall never exceed the sum of ten dollars for each contravention. Such fines shall be imposed on the delinquents in each particular case, at a meeting of the members.

Fines, &c.,  
how recoverable.

**13.** Fines and contributions imposed upon members by, or debts due to the corporation shall be recoverable by the latter before the courts of competent jurisdiction.

Provisional  
board of man-  
agement, and  
term of office.

**14.** The persons above-named shall constitute the provisional board of management of the corporation and shall represent it until the first general election of officers, which shall take place in the course of one month after the coming into force of this act.

Notice of first  
election.

**15.** The said first election of officers shall be held after public notice given by the board of management in one English and two French newspapers published in the city of Montreal, indicating the place, day and hour of the meeting, and also by a notice through the post-office to each member to the same effect.

Officers to be  
elected at  
meeting.

**16.** At such meeting there shall be elected a president and secretary and two scrutineers to superintend the voting and to count the votes with the president and the secretary.

Election to be  
by ballot, &c.

**17.** The election shall be by ballot, in the manner indicated by the board of directors, for such of the officers who are not elected unanimously or without opposition, and, after the election, a minute thereof shall be drawn up and inserted in the minute book of the corporation, which shall be signed by the members of the board of directors who are present.

Term of office.

The officers so elected shall continue in office until the following general election.

Subsequent  
general meet-  
ings when  
held, &c.

**18.** The subsequent general meetings for the election of officers shall be held every year in the first week of April, and shall be convened by the collecting treasurer, by a notice published in an English and a French newspaper of the city of Montreal, and by a letter or post-card sent by mail to each member, to his last known address, at least three days before the meeting.

If meeting  
not held,  
duty of pres-  
ident.

**19.** In the event of any election not having been held, for any reason whatsoever, at the time and in the manner prescribed by the charter or by the regulations, it shall be the duty of the president and collecting treasurer to convene, as soon as possible, an extraordinary special meeting of the members for such election.

**20.** Regular meetings for the despatch of business shall be held every week, on the day determined by the regulations. Regular weekly meetings.

**21.** Special and extraordinary meetings may be convened by the president and collecting treasurer at the request of ten members, according to the formalities prescribed for the annual general meeting of the month of April as aforesaid. Special and extraordinary meetings.

**22.** In case of dissolution, the property belonging to the corporation remaining after the payment of all obligations, shall be divided amongst the remaining members proportionately to the time during which they shall have been members of the corporation. Division of property after dissolution.

**23.** All regulations of the society shall, before coming into force, be approved by the Lieutenant-Governor in Council. Regulations require approval.

**24.** This act shall come into force on the day of its sanction. Coming into force.

## C A P. X C

An Act to incorporate the Barbers' Association of the Province of Quebec.

[Assented to 10th March, 1899].

**WHEREAS** Joseph Télesphore Fontaine, Agapit Ouellet, Preamble.  
Adjutor Marois, Lazare Simoneau, Joseph Ernest Bouchard, Arthur Patenaude, Wenceslas Lacroix, Joseph D. Blanchard, Napoléon Donet and Eugène Mireault have, by their petition, represented that they, with others, have formed an association under the name of the Barbers' Association of the Province of Quebec, with the object of regularizing the barbers' trade, of securing better apprenticeship, of requiring examination and of granting licenses to persons wishing to ply the same, and with the view of causing the laws of hygiene to be observed by its members and thereby protecting the public health, endeavoring thereby to comply with and carry out the instructions given to barbers by the Board of Health of the Province of Quebec, at its sitting on the 17th June, 1898 ;

Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

**1.** The said Joseph Télesphore Fontaine, Agapit Ouellet, Adjutor Marois, Lazare Simoneau, Joseph Ernest Bouchard, Arthur Patenaude, Wenceslas Lacroix, Joseph D. Blanchard, Napoléon Donet and Eugène Mireault and all persons who Persons incorporated.

are now members of the Barbers' Association of Quebec and generally all persons at present regularly plying the trade of barber in the Province of Quebec shall be and constitute—after paying to the council the amount fixed by the regulations of the council, but which shall not exceed \$2.00, as the cost of a license, and on paying the annual contribution fixed by the same regulations, which shall not exceed \$2.00—a body politic and corporate for the purposes aforesaid under the name of

**Name.** “The Barbers' Association of the Province of Quebec,” under which name they shall have perpetual succession and a common seal, with power and authority to change or renew the same at will, and under such name they may sue and be sued before any court in this province and may purchase, hold and possess all moveable and immovable property, provided the immovables so possessed by the corporation do not at any time exceed the value of ten thousand dollars, and they may hypothecate, sell or dispose of the same and acquire others in lieu thereof.

**Powers.**

**Members of corporation.** 2. The corporation shall moreover be composed of all persons who shall, after three years' apprenticeship, have passed a satisfactory examination before examiners appointed by the council and who must have plied the trade of barber for at least ten years, and shall have paid the admission fee, the license fee and who shall pay the annual contribution, the whole in accordance with the regulations of the corporation.

**General meetings.** 3. General meetings of the corporation shall be held, from time to time, as hereinafter provided ; there shall be a council which shall manage and administer the affairs of the corporation, and the said general meetings and council shall have the full management and control of the corporation ; in all general meetings and meetings of the council, the majority of the members present, who are respectively entitled to vote, shall decide the questions proposed at such meetings, and the person who shall preside thereat shall have a second or casting vote when the votes are equally divided.

**Council meetings.**

**Composition of council, &c.** 4. The said council shall consist of ten members ; and the said Joseph Téléphore Fontaine, Agapit Ouellet, Adjutor Marois, Lazare Simoneau, Joseph Ernest Bouchard, Arthur Patenaude, Wenceslas Lacroix, Joseph D. Blanchard, Napoléon Donet and Eugène Mircault, shall be the first members of the council of the corporation, and shall continue so to be until the first general meeting for the election of officers has taken place in accordance with the provisions of this act.

**Term of office.**

**Annual general meetings.** 5. It shall be lawful for the members of the corporation to hold general meetings once a year, and also special general meetings as the council may deem advisable, from time



to time. The annual general meeting shall be held alternately in the cities of Montreal, Quebec, Sherbrooke, Three Rivers and St. Hyacinthe on the first Monday of December in each year, or the nearest possible day thereto, as may be decided by the council; and moreover, upon a written demand by ten members of the corporation who are entitled to vote, requiring the council to call a special general meeting of the corporation to take into consideration the objects set forth in the requisition, a meeting shall be called accordingly by the council within such delay as it may deem advisable, after previous notice shall have been given of the same and of its object, according to the requirements of the regulations of the corporation.

When and where to be held.

6. At the general meeting in each year, the members of the corporation shall proceed to appoint and elect the members of the council by ballot, and they shall appoint two auditors to audit the corporation accounts.

Election of council.

Auditors.

7. In the case of death, resignation or dismissal of any member of the council, or of an auditor, it shall be lawful for the members of the council themselves to appoint and elect another person who shall be a member of the corporation to fill the vacant place, and the person so appointed shall for all purposes represent him in whose stead he has been appointed until the following annual election.

Vacancies in council.

8. The council whose appointment is provided for by section 4 of this act, and the council of the corporation for the time being, shall elect, from among the members thereof, at the first meeting held after the election of the council, a president, two vice-presidents and a treasurer; they shall also appoint a suitable person as secretary of the council.

Election of officers.

9. At any meeting of the council, it shall be lawful for it, with the consent of three-fourths of the members present, to dismiss any member from the corporation, and such member shall accordingly cease to form part thereof.

Dismissal of members.

10. The council of the corporation for the time being, either by itself or through the examiners it may appoint, or through such other competent person as it may deem expedient to appoint, shall examine and decide upon the admission of members of the corporation, shall grant such licenses as it considers advisable to grant to those it may deem qualified to become members. The council shall have the exclusive control and administration of the moveable and immoveable property of the corporation, subject to the regulations thereof, but none of the properties of the corporation

Admission of members after examination.

Power of council as to property of corporation.

shall be sold or hypothecated, except with the approval and concurrence of a general meeting of the members of the corporation specially convened for the purpose.

Power to  
make rules.

**11.** The council of the corporation shall have power to make all statutes, rules and regulations which may be deemed necessary for the purposes of this act, and to impose a penalty not exceeding ten dollars for each infringement of the said regulations, payable to the corporation, and may, from time to time, amend and repeal the same or substitute others therefor, and such rules and regulations may also be changed or repealed in whole or in part at any annual general meeting of the corporation, provided previous notice has been given of the intention so to do ; such notice to be in accordance with the regulations in force for the time being.

Penalty for  
offences.

The council may likewise prevent any barber from plying his trade who is suffering from a contagious disease ; and any barber, then suffering from a contagious disease, who plies his trade shall be liable to a fine not exceeding ten dollars for each infraction in favor of any person capable of instituting a suit.

The by-laws shall come into force only upon approval by the Lieutenant-Governor in Council.

No person but  
members of  
corporation  
to ply trade of  
barber, under  
penalty.

**12.** No person can ply the trade of barber without a license from the corporation ; and whoever, without such license, shaves or trims beards or cuts hair for payment, remuneration or promise of reward, shall be considered as plying the said trade in contravention of the provisions of this act ; and whosoever is guilty of the infringement provided for by this section, shall be liable to a fine not exceeding ten dollars.

Recovery of  
penalties, &c.

**13.** Any sum of money, subscription or penalty due and payable to the corporation shall be recovered before any civil court of competent jurisdiction.

Name and ap-  
plication of  
act.

**14.** This act may be cited as the "Barbers' Association Act of the Province of Quebec" and shall apply only to cities and towns having a population of five thousand souls or more.

Coming into  
force.

**15.** This act shall come into force on the day of its sanction.

## CAP. XCI

An Act respecting the parish of *Saint-Enfant Jésus de Montréal*.

[Assented to 10th March, 1899.]

**WHEREAS** the parish of *Saint-Enfant Jésus* of Côteau Preamble.  
St. Louis has by petition represented ;

That it is urgent that extensive works be undertaken upon the church of the said parish for the purposes of enlarging and restoring the same ;

Whereas it is necessary for that purpose to effect a loan and to obtain special legislation concerning the same ;

Whereas the freehold proprietors have unanimously approved of the said petition ;

Whereas it is prayed that an act be passed to that effect, and it is expedient to grant such prayer ;

Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

1. The trustees of the parish of *Saint-Enfant Jésus* of Côteau St. Louis, which shall hereafter be designated under the name of "*The parish of Saint-Enfant Jésus de Montréal*," may levy, by assessment, on the Catholic freehold inhabitants of the parish, a yearly sum not exceeding twelve cents per hundred dollars of the value of the taxable real estate for a period not exceeding thirty years, to be applied to the payment of the said works and to the expenses caused by such apportionment ; provided that the real estate of such freehold inhabitants situate within the parish be affected and such freehold inhabitants be liable only to the extent of the payments due on such assessment, and provided the freehold inhabitants speaking the English language, who may form themselves into a distinct parish, shall *ipso facto* cease to be subject to the provisions of this act.

Certain assessment may be levied on Catholic freeholders of parish for certain purposes.  
Proviso.  
Proviso.

2. The amount to be levied in each year shall be exigible and payable in annual and consecutive payments, the first whereof shall be due on the first day of October, eighteen hundred and ninety-nine ; a discount of three per cent. shall be allowed on payments effected within fifteen days from the day of their becoming due, and interest at the rate of six per cent shall be charged on payments not effected within thirty days of their becoming due.

When amount payable in each year.  
Discount.  
Interest.

3. The said act of assessment shall be based on the municipal assessment roll in force on the first day of the

Basis for act of assessment.

month of August preceding the date at which each of such payments shall become due, and shall not be subject to homologation by the trustees appointed and acting under the Revised Statutes; the homologation of the municipal valuation roll shall take the place of such homologation by such trustees.

Trustees for the purposes of this act.

4. Three of the Catholic freehold inhabitants of the parish who were elected trustees by the freehold inhabitants at their regular meeting held on the eleventh day of December, 1898, to wit : Léonidas Villeneuve, Louis Colletterte, senior, and Pierre David, are recognized as trustees for the purposes of this act.

*Curé* and churchwardens to be associated with them to form board. Quorum. Name.

5. The *curé* and churchwardens in office are *ex officio* associated with the trustees and shall with them, under the presidency of the *curé*, form the board, a quorum whereof shall be three, and which is hereby constituted a corporation in the name of "The trustees of the parish of *Saint-Enfant Jésus de Montréal*."

Vacancies in board.

6. Vacancies among the trustees shall be filled in the manner followed for the election of churchwardens in parishes where they are elected by a parish meeting.

Powers of board for collection of moneys, &c.

7. Powers, rights, privileges and obligations similar to those conferred and imposed upon churchwardens, are conferred and imposed upon the said board for the collection of moneys under the assessment for the work to be done, suits to be taken, and generally, everything for the purposes of this act.

Power of board to borrow money.

8. The board of trustees is authorized to contract, on the security of such assessment, such loans as it may deem advisable for the execution of the said works; provided the total amount so borrowed does not exceed forty-five thousand dollars.

Where payments to be made. Security of secretary-treasurer. Percentage to be added for losses.

9. All payments under such assessment shall be effected at the office of the secretary-treasurer, to be appointed by the trustees, and from whom they shall exact a security bond of at least one thousand dollars.

To cover losses, expenses and especially premiums of insurance, a sum of fifteen per cent. may be added to the annual assessment.

Insurance of buildings against fire.

10. The trustees of this assessment, as well as those of the assessment established under the act 58 Victoria, chapter 91, may keep the religious buildings insured against fire for an amount equal to the amount of the assessment.

**11.** The *fabrique* of the said parish is authorized to aid the said trustees with its moneys in paying for such works, provided such contribution is approved of by the majority of the freehold inhabitants in regular meeting assembled. *Fabrique may assist trustees carrying on works.*

**12.** This act shall come into force on the day of its sanction. Coming into force.

## CAP. XCII

An act respecting the rebuilding of the church of the parish of *Saint-Jean-Baptiste de Montréal*, and the payment of such rebuilding.

[Assented to 10th March, 1899.]

**WHEREAS** the *curé* and churchwardens of *l'Œuvre* Preamble.  
et *Fabrique* of the parish of *Saint-Jean-Baptiste de Montréal* have by petition represented :

That the Catholic church of the parish of *St Jean-Baptiste de Montréal*, and the sacristy adjoining the same, as well as the parsonage and its dependencies, were destroyed by fire on the 29th day of January, 1898 ;

That the parishioners of this extensive parish have in consequence of the said disaster been compelled to rebuild their church and its dependencies as soon as possible ;

That on the 27th day of February, 1898, at a meeting of the Catholic freehold inhabitants of the said parish, it was resolved to rebuild the church with the sacristy and parsonage immediately, and to pay for such work, after deducting the sums then available, by voluntary subscriptions, if possible, and by assessments, if the voluntary subscriptions should be unsuccessful ;

That, for the purpose of obtaining such subscriptions, a committee was formed, consisting of Doctor A. Germain, Onésime Martineau and Noé Leclerc, and it was decided, at the same time, that these three persons should form part of the board of trustees, if an assessment should be considered necessary ;

That, on the 8th day of August, 1898, at a meeting of the freehold inhabitants, the proceedings of the previous meeting were again confirmed and approved, as well as the action of the *fabrique* under all the circumstances ;

That it was again decided that, if such voluntary subscriptions should be unsuccessful, application should be made to the Legislature to levy an assessment to the amount of \$115,000.00 in capital payable in fifty years, renewable

every year and based on the valuation roll of the city of Montreal, such assessment to comprise and annul the one already in existence ;

That, at the said meeting, Ol. Vallière, Joseph Lauzon, Edouard Roy, A. Germain, Onesime Martineau and Noé Leclerc were appointed trustees for the purpose of said assessment ;

That the said resolutions were approved of by the Catholic ordinary of the Bishopric of Montreal ;

That the rebuilding of the church has been commenced in view of the urgency of the work, and is now fairly advanced ;

That the persons appointed to collect voluntary subscriptions have reported to the *Fabrique* that the said subscriptions had not succeeded, and it would be better to have recourse to an assessment as being the fairest and most equitable mode ;

Whereas it has, by the said petition, been prayed that an act be passed to this effect, and it is expedient to grant the same ;

Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

Certain trustees incorporated.

Name.  
Powers.

Assessment upon property of R. C. freeholders for certain works.

Proviso.

1. Ol. Vallière, Joseph Lauzon, Edouard Roy, Dr. A. Germain, Onésime Martineau, and Noé Leclerc are hereby appointed and constituted trustees for the purposes of this act, and they shall form a corporation, a quorum whereof shall be four, and of which the *curé* shall *ex-officio* form part, under the name of the " Trustees of the parish of *Saint-Jean-Baptiste de Montréal*," with all the powers conferred by law upon corporations of trustees constituted under the general act.

2. The said trustees shall levy, by assessment upon the immoveable property of the Catholic freehold inhabitants of the said parish, an annual sum not exceeding fifteen cents per hundred dollars of the value of the property assessed, for a period of not more than fifty years, to provide for the payment of the capital and interest and the sinking fund of such capital, if necessary, of a loan, not exceeding one hundred and fifteen thousand dollars, the proceeds whereof shall be devoted to the rebuilding of the church, sacristy, and parsonage and dependencies and to incidental expenses ; provided that the immoveables of the said freehold inhabitants be affected and that the said freehold inhabitants be liable only to the extent of the payments due on such assessment, and provided that the freehold inhabitants speaking the English language, who may form themselves into a distinct parish, shall *ipso facto* cease to be subject to the provisions of this act.

3. The act of assessment shall be based upon the valuation roll of the city of Montreal in force on the 1st of November preceding, and a new one shall be made every year. It shall not be subject to homologation by the civil commissioners acting under the Revised Statutes of this Province; the homologation of the valuation roll of the city of Montreal shall replace such homologation by the commissioners.

Assessment  
how based.

4. The sum to be levied each year shall be exigible and payable in annual and consecutive payments at the office of the secretary-treasurer of the trustees, the first whereof becoming due on the 1st of May, 1899. Interest shall be payable upon instalments three months after they become due.

When and  
where  
amounts pay-  
able.

5. The board of trustees so constituted and incorporated is authorized to contract, on the security of the said assessments, a loan sufficient for the carrying on of the said works, provided that the total amount borrowed does not exceed one hundred and fifteen thousand dollars. Such loans may be effected by contract or debentures with or without annuities, as may be deemed preferable.

Power to  
raise money  
by way of  
loan.

How effected.

6. Vacancies among the trustees shall be filled by the vote of the meeting of the *Fabrique* to which the trustees shall be admitted, and whereat they shall have a deliberative voice; the trustees are authorized to appoint a secretary-treasurer, and to grant him a remuneration. Security to the amount of \$2,000, shall be given by such secretary-treasurer. To cover expenses and losses, ten per cent. may be added to the amount of the yearly assessment.

Vacancies in  
trust.

Appointment  
of secretary-  
treasurer.  
Security by  
secretary-  
treasurer.  
Expenses.

7. The *Fabrique* of the said parish is authorized to apply the surplus of its receipts to the payment of the expenses as a contribution towards the payment of such loans, provided such contribution is approved at a meeting of the *Fabrique*.

Application  
of surplus  
moneys of  
parish.

8. The trustees of the said assessment, as well as those of the assessment established under the act 58 Victoria, chapter 91, may keep the religious buildings insured against fire for an amount equal to the amount of the assessment.

Insurance of  
buildings  
against fire.

9. The acts of this Province 44-45 Victoria, chapter 82, and 50 Victoria, chapter 26, are repealed, and the assessment levied in virtue of the said acts is annulled for the future; but notwithstanding such repeal and annulment, the arrears due are recoverable as if the said acts remained in force.

44-45 V., c.  
82, and 50  
V., c. 26, re-  
pealed.

10. This act shall come into force on the day of its sanction.

Coming into  
force.

## CAP. XCIII

An Act to amend the charter of *l'Association St. Jean-Baptiste de Montréal*.

[Assented to 10th March, 1899.]

Preamble.

**W**HEREAS *l'Association St. Jean Baptiste de Montréal* has prayed the Legislature to amend its charter so as to confer additional powers upon it, and it is expedient to grant its prayer ;

Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

51-52 V., c. 65,  
s. 1, replaced.

**1.** Section 1 of the act 51-52 Victoria, chapter 65, is replaced by the following :

Active mem-  
bers of Asso-  
ciation.

“**1.** The active members of the association shall consist of Canadians of French origin, either on their father's or on their mother's side, or citizens of other origins having married French Canadian Catholic women, who are elected active members and who possess the qualification required by the by-laws.”

Id., s. 23, re-  
placed.

**2.** Section 13 of the act 51-52 Victoria, chapter 65, as amended by section 4 of the act 55-56 Victoria, chapter 85, is replaced by the following :

Power to  
make by-laws  
for certain  
purposes.

“**13.** The board of the association may make all by-laws, not inconsistent with the provisions of this act, nor with the laws of the Province, and among others on the following subjects :

1. The number, date, place, and object of the meetings, as well as the date and manner of holding the elections of the association ;

2. The admission and expulsion of members, as well as the amount and date of payment of the annual subscription of the active members ;

3. The qualification of the members of the board of management and of the financial commission ;

4. The appointment of honorary officers and members with the right of giving their opinion at meetings of such board.

5. The appointment of officers or employees, other than those mentioned in the present act, their duties and obligations ;

6. The forfeiture and conversion of shares ;

7. The construction and administration of a national edifice and other property ;

8. The creation of a financial commission, to which the board of management may delegate the necessary powers for the construction and administration of the national edifice ;



9. The organization of a mutual benefit fund, either in favor of its sick members or of the families of deceased members, by means of a special assessment ; the formation and encouragement of national undertakings ; the carrying on and administration of the affairs of the corporation, and, in general, all that the association may consider necessary to accomplish such object."

3. Section 27 of the act 51-52 Victoria, chapter 65, as Id., s. 27, re-enacted by the act 55-56 Victoria, chapter 85, section 10, placed. is replaced by the following :

"27. The administration of the edifice, known as the *Monument National*, shall be under the control and direction of a financial commission, composed and elected in the manner to be determined by by-law." Administraction of national edifice.

4. The following sections are added after section 28 of the act 51-52 Victoria, chapter 65, as enacted by the act 55-56 Victoria, chapter 85, section 10 : Sections added after id., s. 28.

"29. Notwithstanding any law to the contrary, the association may receive by donation in the ordinary manner or in the form of promises or undertakings to pay, according to schedule A annexed to this act, and inserted in a special book for this purpose forming part of the archives of the association, and such promises and undertakings shall be valid and irrevocable and shall constitute a civil obligation in favor of the association. Gifts may be received. Form of.

The proceeds of such gifts shall be represented by shares in the name of the association in the capital stock mentioned in section 24 of the act 51-52 Victoria, chapter 65, as amended by section 10 of the act 55-56 Victoria, chapter 85, and shall be, in the first place, employed in extinguishing the debt on the *Monument National*. How proceeds of gifts to be represented.

"30. By a by-law to that effect, the board of directors of the association may establish a savings and benefit fund or *caisse*, the by-laws concerning which shall be in accordance with the schedule B annexed to this act, which by-laws shall be deemed to form part of this act. Establishment of savings or benefit fund, by by-law. Form of.

A duly certified copy of the by-law establishing such *caisse* or fund shall be deposited in the office of the Provincial Secretary, and a notice signed by the head of that department may be published in the *Quebec Official Gazette* stating that such by-law has been passed and filed as aforesaid, and thereupon the association shall, for the purposes of the said *caisse*, form a distinct corporation under the name of *L'Association St. Jean Baptiste de Montréal (Caisse Nationale d'Economie)*, with all the powers conferred upon civil corporations by the law of the country." Copy of by-law to be deposited with Provincial Secretary and notice given. Effect of notice.

Coming into  
force.

5. This act shall come into force on the day of its sanction.

### SCHEDULE A.

I, the undersigned (*insert name, surname, occupation and residence*)

being  
desirous of contributing to the philanthropic and patriotic  
work of *L'Association St. Jean-Baptiste de Montréal*, under-  
take to pay the sum of

to be paid  
(*insert the dates of payment either before or after the donor's  
death and, if necessary, the conditions attached to the gift*).

In testimony whereof, I have signed, at Montreal, the  
day of the month of  
one thousand

Witnesses :

.....

Signature :

.....

### SCHEDULE B.

#### BY-LAW.

Art. 1. *L'Association Saint-Jean-Baptiste de Montréal*, under the powers conferred upon it by its charter, establishes a savings and benefit *caisse* or fund. Such *caisse* shall be known as *Caisse Nationale d'Economie*. The *caisse* shall be deemed to have commenced operations on the 1st January, 1899.

Without waiver of its other corporate rights, the association for the purposes of such *caisse* constitutes a distinct corporation under the name of *L'Association St. Jean-Baptiste de Montréal (Caisse Nationale d'Economie)* having all the powers conferred upon civil corporations by the laws of the land.

Art. 2. The *caisse* is divided into two classes: class A. and class B.

Art. 3. As many sections of the *caisse* may be established as there are sections of the association. Sections of the *caisse* may be established throughout the Province.

Art. 4. The *caisse* is administered by the board of the association or by a special committee appointed by such board and selected from among the members of the *caisse*.

The general president and secretary-treasurer of the association shall be *ex officio* members of the committee.

Art. 5. Members are recruited by the board and by the sections of the association.

Art. 6. The annual contribution is one dollar, payable on the first day of January in each year. The monthly contribution is twenty-five cents in class A, and fifty cents in class B, payable on the fifteenth day of each month.

All contributions shall be payable at the place indicated, from time to time, by the administrators of the *caisse*, notice whereof shall be given in two French newspapers published in the city of Montreal.

Art. 7. Any member of the *caisse* may pay any part of his contributions in advance, and he shall be allowed discount at such rate as may, from time to time, be fixed by the board of the association.

Art. 8. Every person who pays the annual contribution of one dollar becomes a member of the *caisse*, upon making an application therefor in the manner prescribed by the board of the association.

Art. 9. On receipt of the application for admission, the secretary-treasurer of the association delivers to the candidate a certificate of admission in the manner also prescribed by the board of the association.

Art. 10. The payment of the annual contribution qualifies a member of the *caisse* who forms part of *L'Association St. Jean-Baptiste de Montréal* as an active member of the association.

Art. 11. Every member in arrear in the payment of his contribution pays a fine of five cents upon each contribution remaining unpaid.

Art. 12. Every member in arrear for twelve months in the payment of his yearly or monthly contributions may be struck from the books of the *caisse* by the board of the association or by the committee, and he forfeits all his rights as member of such *caisse*.

Art. 13. After performing his obligations as member of the *caisse* during five consecutive years, a member of the society who is a minor, may ask for a suspension of the payment of his contributions, provided he establish, to the satisfaction of the board of the association or of the committee, that he has lost the protection of the person who discharged his obligations.

The time during which such suspension lasts does not count for the pension.

Art. 14. A member of the society attacked by illness may ask for a suspension in the payment of his contributions, provided that he establish, to the satisfaction of the board of the association or of the committee, that he is unable to work and to pay his contributions.

The time during which such suspension lasts does not count for the pension unless a member pays up his arrears, without fine.

Art. 15. After fulfilling his obligations as a member of the *caisse* during five consecutive years, a member of the society who is attacked by a chronic disease, which prevents him from working and renders him incapable of paying his contributions, may ask to be allowed to remain a member of the *caisse* so long as his illness lasts, and may obtain such privilege on proof to the satisfaction of the board of the association or of the committee; but after the twenty years mentioned in article 18 hereinafter, he is entitled only to a pension proportionate to the monthly contributions he has paid, without reference to the date of the payments.

Art. 16. The annual contributions and fines belong to the association, and the latter bears the expenses of the administration of the *caisse*.

Art. 17. The funds or receipts of the *caisse* are invested in Dominion or Provincial securities or debentures, or in public securities of the United Kingdom or of the United States of America, or in the securities or debentures of municipalities or in real estate in this province, or first mortgages on real estate in this province valued at an amount not exceeding three-fifths of the municipal valuation. Investments may be changed at will.

Art. 18. After having been a member of the *caisse* for twenty years, a member of the society is placed upon the list of pensioners, and he is entitled during his life-time, with the other pensioners, to the annual interest yielded in each subsequent year by the assets of the society.

For the purposes of this article the amount of interest to be distributed and deemed to have accrued during the year, shall be equal to that appearing in the inventory on the 31st December previous, as being the interest of the preceding year.

Art. 19. Except in so far as is prescribed in article 15 hereinabove, the division of the interest is made between the pensioners *per capita*; the pensioners of the class A receive however one half of the amount paid to class B.

Art. 20. A pensioner continues to pay his annual and monthly contributions, and the latter are capitalized every year.

The unpaid contributions and the fines incurred during the year are deducted from the pension.

**Art. 21.** Pensions begin on the first of January and are paid by quarterly instalments on the first of February, May, August and November.

**Art. 22.** Although payable quarterly, as above-stated, the pension is nevertheless deemed to have been acquired for the whole year from the first of January, and, in the event of a pensioner's death, his pension for the year is paid to his heirs or to the persons designated by him.

The relatives of the deceased member have no recourse against the *caisse*, and the sums paid by him continue to belong to the *caisse*.

**Art. 23.** Pensioners shall, in January of each year, send in a certificate establishing that they are still living.

**Art. 24.** The society does not acknowledge any transfer of the pension, which is non-transferable and not liable to seizure, and is paid only to the person entitled thereto, upon his giving an acquittance for the same.

**Art. 25.** The treasurer shall every year, in the last week of the month of January, submit to the members of the *caisse* a general and detailed report on the financial situation, which report shall be accompanied by a certificate signed by two auditors appointed at the previous general meeting. A copy of the said report shall be transmitted to the Provincial Secretary.

**Art. 26.** The Provincial Treasurer shall at all times have access to the books of the *caisse*.

**Art. 27.** A portion of the capital paid each year into the *caisse*, may, after it has been forty years in existence, be employed in national or charitable works or foundations, and in connection with the object of the *caisse*, in the interest and for the special benefit of its members, provided that it be so decided by two-thirds of the board of the association, and that such decision be ratified by the majority of the members of the *caisse* who are present or represented at a special meeting convened for the purpose.

**Art. 28.** The board of the association shall, from time to time, make such by-laws for the management of the *caisse* as it may deem expedient.

It may also establish additional classes, and the present by-laws shall, *mutatis mutandis*, apply to the new classes.

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## CAP. XCIV

An Act to amend and consolidate the charter of *La Société des Artisans Canadiens-Français* of the city of Montreal.

[Assented to 25th February, 1899]

## Preamble.

**W**HEREAS the *Société des Artisans Canadiens-Français*, of the city of Montreal, has by petition represented :

That it was founded by Louis Archambeault, Joseph Mercier, Pierre Giguère, Isidore Paquette, Toussaint Labelle, Edouard Grondin, Pierre Désautels, Léandre Lamontagne, Jean-Baptiste Bélanger and others, under the authority of the act 40 Victoria, chapter 63, amended by the act 45 Victoria, chapter 76, and by the act 58 Victoria, chapter 80, with a view to fraternal union and mutual protection, and for securing to the widows and heirs of all persons belonging to such association, or who might thereafter form part thereof, pecuniary assistance by means of an indemnity, payable at the death of such persons ;

That it has greatly prospered and has spread throughout the Province, and even outside of the same ;

Whereas it has prayed that the various acts concerning it be consolidated and amended, the better to meet its object, and its present requirements ; and whereas under the circumstances it is expedient to grant its prayer, although not asked for by the general meeting of members, but by the board of direction and by almost all the branches.

Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

## Persons incorporated.

**1.** The said society, and such other persons as now are members of the said association, or who shall hereafter become members thereof under the provisions of the present act, shall be and are hereby constituted a body politic and corporate under the name of *La Société des Artisans Canadiens-Français*, and under such name may exercise all the general powers with which corporations are vested, may sue and be sued, may acquire, hold and possess all property, moveable and immoveable, and may hypothecate, alienate, lease or otherwise dispose of the same in whole or in part, from time to time, and as occasion may require, and acquire others in the place thereof ; provided that the said immoveable property does not exceed in annual value the sum of ten thousand dollars.

## Name.

## General powers.

## Value of immoveables.

Government of society :  
Convention ;

**2.** The society shall be governed as follows :

**1.** By a convention composed as hereinafter set forth, and whose powers are hereinafter indicated.

2. By a central board of management or executive council appointed and elected in the manner hereinafter provided. Central board of management.

3. The convention has exclusive power to make and pass the by-laws governing the society, and to amend, alter or modify the same when necessary, which by-laws shall not be contrary to the present act. Powers to make by-laws.

4. The convention has full power to determine the conditions upon which a person may become, or continue to be a member, to fix the rate of contribution and the benefit to be received by each of its members, in case of illness or of death, the place and time at which such contribution and benefit shall be payable, and generally to make all the by-laws suitable for securing the proper working of the society. Conditions of membership, &c.

5. The convention shall consist, in addition to the *ex-officio* members hereinafter indicated, of the delegates of the various branches, in the proportion of one delegate to every two hundred members, a proportion which may be altered, from time to time, by the convention, elected as follows : Composition of convention.

(a) Each branch has a right to elect one delegate whatever may be the number of its members up to two hundred. Election of delegates.

(b) Each branch is further entitled to elect an additional delegate for every two hundred members on its list, over and above the two hundred members mentioned in the preceding paragraph. Such delegates shall be elected at a general meeting of the members of each branch. The date of such meeting shall be determined by by-law. Additional delegates.

6. The place of business of the society shall be fixed at Montreal, and the central board of management shall be there established. The conventions or meetings of the delegates shall also be held there, except when, upon a vote of two-thirds of the members present, the convention decides upon sitting elsewhere at places which it shall indicate. Head office.

7. The central board of management or executive council shall manage or administer the affairs of the society. Powers of central board.

It shall consist of ten directors and of three censors, all elected by the convention, which directors and censors shall reside in the city of Montreal or in the banlieue of the city. The members of the central board, as well as the founder Louis Archambault, the present general president Theodore A. Grothé, and the ex-general presidents up to this day, shall be members *ex-officio* of the convention. Composition of board.

The quorum of such board shall be seven, to wit six directors and one censor. The duration of the term of office of the members of the executive council shall be determined by by-law. Quorum. Term of office.

Establish-  
ment of  
branches.

**8.** The central board of management, by a vote of two-thirds of the board and of the censors, jointly, has power to establish branches of the society in accordance with the by-laws wherever the number of members may justify the same.

Benefits not  
liable to seiz-  
ure, &c..

**9.** No sum of money, to which any member or any of the heirs or legal representatives of a deceased member may be entitled to under this act and the by-laws of the society, shall be liable to seizure either before or after judgment, except for the payment of debts due to the society itself.

Proviso.

Disposal of  
benefits, &c.

**10.** It shall be lawful for the members of the society to dispose, by will or otherwise, of any sum which the society grants to them at their death. In the absence of any provision in the manner aforesaid, the rights of the members shall, at their decease, devolve as follows :

1. To the widow of the deceased member ;
2. If he leaves no widow, to his children ;
3. If he leaves neither widow nor children, to his lawful heirs.

The payment of the said sum, thirty days after receipt of the notice of death, to any person or persons appearing to have a legal right thereto, shall entirely discharge the society.

Present mem-  
bers of central  
board contin-  
ued in office.

**11.** Members of the central board of management, in office at the time of the coming into force of this act, as well as the censors, shall be the members of the executive council established by this act, until replaced at the first regular convention. The convention must be held within three months from the sanction of this act, at the call of the central board.

When con-  
vention to  
meet.

First general  
meeting of  
branches for  
election of  
delegates.

Within two months from the sanction of this act, each branch shall convene a general meeting of its members for the election of its officers according to the present mode and by-laws, and also for the election of its delegates to the first convention, in accordance with the rules laid down in this act. Within the same delay, the members belonging to the central board shall meet to elect their delegates to the said convention in the same manner and on the same basis as the branches.

Present by-  
laws, &c.,  
continued.

**12.** The present by-laws shall continue to be in force in all their clauses not inconsistent with this act, so long as they are not repealed or altered by the regular convention established by this act.

40 V., c. 63,  
45 V., c. 76,  
and 58 V., c.  
80, repealed,  
&c.

**13.** The acts of this Province 40 Victoria, chapter 63, 45 Victoria chapter 76, and 58 Victoria, chapter 80, are repealed, the society assuming all the obligations of the former *Société des Artisans Canadiens-Français de la cité de Montréal*.



**14.** The by-laws of the society shall come into force only Coming into force of by-laws.  
after being approved by the Lieutenant-Governor in Council.

**15.** The expenses occasioned by the convention, shall be Expenses of conventions.  
paid by the society generally.

**16.** This act shall come into force on the day of its sanc- Coming into force.  
tion.

## CAP. XCV

An act to incorporate the *Société Ecclésiastique de Secours Mutuels du Sacré-Cœur de Jésus*, in the diocese of Chicoutimi.

[Assented to 10th March, 1899]

**WHEREAS** the Very Reverend Michel Thomas La- Preamble.  
brecque, Bishop of Chicoutimi and François Xavier Belley, vicar general, and the reverend Charles Léon Parent, vicar forane, Victor A. Huard, J. Alfred Tremblay, Elzéar Delamarre, Eugène Lapointe, directors and members of the society, have by petition represented that *La Société Ecclésiastique de Secours Mutuels du Sacré Cœur de Jésus de Chicoutimi* has been constituted for the purpose of assisting the members of the society in case of illness, old age or incapacity, and have prayed, in their own name and on behalf of the other members of the society, to be incorporated to secure to its members and their successors all the benefits resulting from such incorporation; and whereas it is expedient to grant their prayer;

Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

**1.** The said Very Reverend Michel Thomas Lebreque, Persons in-  
Bishop of Chicoutimi, and François Xavier Belley, vicar gen- corporated.  
eral, and the reverend Chs. Léon Parent, vicar forane, Victor A. Huard, J. Alfred Tremblay, Elzéar Delamarre and Eugene Lapointe, directors and members of the said society, and such other priests as now are or may hereafter become members of the said society, in virtue of the present act and of the by-laws and statutes of the said society, shall be and are hereby constituted a body politic and corporate under the name of: *Société Ecclésiastique de Secours Mutuels* Name.  
*de Sacré-Cœur de Jésus de Chicoutimi*, and under such name Powers to  
may at any time purchase, acquire, possess, hold, exchange hold, &c., im-  
and receive for themselves and for their successors, for the moveable  
use and purposes of the corporation, immoveable property property to  
in this province not exceeding the annual value of four certain value,  
&c.

thousand dollars, and may sell, alienate or otherwise dispose of the same, and purchase and acquire others in lieu thereof, for the aforesaid needs and purposes.

Property  
vested in cor-  
poration.

**2.** All the moveables, as well as all other debts, rights or claims belonging to the aforesaid society at the coming into force of the present act shall be, and are hereby vested in, and shall be transferred to the corporation hereby constituted, and the corporation shall likewise be responsible for all the debts of the said society and for all claims against it.

Existing  
rules, &c.,  
continued,  
&c.

**3.** The rules, statutes and by-laws of the said society, in force when this act comes into force, shall be and continue to be the rules, statutes and by-laws of the said corporation, and the officers or administrators of the said society, in office when this act comes into force, and each and every of them, shall continue to fill their respective offices as officers or administrators of the corporation, and to administer and manage the affairs thereof until others be elected to replace them, as provided by the said rules, statutes and by-laws, provided such rules, statutes and by-laws be not contrary to the laws of this province.

Power to pass  
by-laws, &c.

**4.** The corporation shall have the right to adopt new by-laws, to change or modify the by-laws in force when this act comes into force, whenever the same may be deemed necessary by two-thirds of the votes of its members, provided such by-laws, alterations or modifications be not contrary to the laws of this province or to the constitution of the said society.

Return to  
Legislature.

**5.** The corporation, when thereunto required by the Lieutenant-Governor, shall be bound to transmit annually to the Legislature, within the first fifteen days of the session, a complete report of its moveable and immoveable property, as well as of its annual receipts and expenditure.

**6.** This act shall come into force on the day of its sanction.  
Coming into force.

## CAP. XCVI

An Act to amend and consolidate the act incorporating the  
*Fraternité du Tiers Ordre de Saint-François d'Assise de*  
*Montréal.*

[Assented to 10th March, 1899]

**W**HEREAS the *Fraternité du Tiers Ordre de Saint-François d'Assise de Montreal*, has, by petition, represented : that since its incorporation under the act 50 Victoria, chapter 30, the *Tiers Ordre* has assumed considerable proportions in the city of Montreal and elsewhere, and it has become necessary to amend and consolidate the act incorporating the same ;

Whereas the fraternity has prayed for the same by its petition, and it is expedient to grant such prayer ;

Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

## CHAPTER I.

## SUPERIOR COUNCIL.

1. Messrs. L. J. A. Derome, Paul Pepin, John O'Neil, Jean Baptiste Larue, M. C. Galarneau, Joseph Audet, L. A. G. Jacques, J. Marc Beauchamp and the other persons who are now or may become members of such religious order in accordance with its present or future rules or constitution. are hereby constituted a corporation under the name of the *Tiers Ordre de Saint François d'Assise de la province ecclésiastique de Montréal*, with all the rights, powers, and privileges of corporations founded for spiritual, religious, moral and civil purposes.

2. The corporation shall be administered by a superior council, consisting of a director-general appointed by the superior of the Minorite Friars of Montreal, of the directors of each incorporated fraternity, and of a delegate from each of such fraternities elected every year by the council of each fraternity ; if several fraternities have the same director, he shall select the one which he desires to represent, and the other fraternities shall elect a second delegate. The delegates shall elect, from among their number, a president, a vice-president, a secretary and treasurer, and an administrator.

The members of such council shall be of the male sex, and tertiaries if they be not already priests or religious.

3. The fraternities of sisters shall select their delegates from among any priests, religious, or laymen who are members of the *Tiers Ordre*.

Change in  
number of  
delegates.

4. The superior council, with the consent of the director-general may change the number of the delegates from each fraternity in such proportion as it may deem advisable.

Powers of su-  
perior coun-  
cil.

5. The superior council shall be charged with the general temporal interests of the whole order; it shall also have power to decide finally upon all temporal questions referred to it by the fraternities.

Conflicts of  
jurisdiction.

6. In case of conflict of jurisdiction between the superior council and the fraternities, the superior of the Minorite Friars or Franciscans of Montreal shall finally decide to whom such jurisdiction shall appertain.

Finances of  
fraternities  
how consti-  
tuted.

7. The superior council shall have nothing to do with the finances of the fraternities, subject however to the restriction hereinafter specified, unless a question concerning the same be referred to it by a fraternity, but it may levy an annual or special contribution upon each of them for the general costs of management, expenses of congresses, or others of a general nature.

How superior  
council acts.

8. The superior council may act through general or special committees, to which it may delegate the whole or a part of its authority.

Power to  
make rules for  
certain pur-  
poses.

9. It may make rules respecting its elections, its committees, its internal management, its own finances, its congresses or other meetings, the number of members required to constitute a quorum at its meetings, and everything relating to its interests, which rules shall have force of law as regards all its members, provided that they be not contrary to the present charter, nor to the laws of the Province of Quebec.

Veto of rules.

The superior of the Minorite Friars or Franciscans of Montreal may, however, signify in writing his disapproval of such rules, and in such case they shall become null and void from the date of the receipt of such notice.

When first  
election of  
delegates to  
take place.

10. The first delegates shall be elected by their respective councils in the course of the month of April or May, 1899.

## CHAPTER II.

### FRATERNITIES.

Division of  
corporation  
into fraterni-  
ties.

11. The said corporation is divided into distinct fraternities of men and women, which fraternities are established and organized according to the rules of the *Tiers Ordre*.

**12.** Each fraternity shall constitute a distinct corporation, with all the rights, powers and privileges of corporations founded for civil, spiritual, religious and moral purposes, and shall be known under the name of *Tiers Ordre de Saint-François d'Assise, Fraternité de.....* (the canonical name of the fraternity), as soon as it shall have obtained the consent of the director of the *Tiers Ordre* at Montreal between this date and the first of June, 1899, and, after that date, of the superior council and of the director general.

Each fraternity a distinct corporation.

Name.

Consent required.

**13.** Each fraternity shall be governed by a council elected in accordance with the rules of the *Tiers Ordre*, which council may make such rules as it may deem advisable for the temporal government of its members, and to fix the quorum of its meetings. Nevertheless, such rules, as well as any resolution of the council of a fraternity, may be set aside by the majority of the superior council; provided such majority comprises the director-general. In such case, a written notice thereof shall be given to the fraternity, and the nullity of the rule shall date from the receipt of such notice.

Management of fraternities.

### CHAPTER III.

#### GENERAL MATTERS.

**14.** The aforesaid corporations may, each separately, acquire moveable and immoveable property in any manner, provided that the annual value does not exceed twenty thousand dollars; they may acquire, lease, alienate, borrow, hypothecate, act and contract in any manner, provided they do nothing inconsistent with the rules of the *Tiers Ordre* or the laws of the Province of Quebec; but no fraternity can become indebted for an amount exceeding one hundred dollars without the consent of the superior council.

Power to acquire property to certain value.

**15.** The members of such corporations personally, shall have no right or claim whatsoever upon the property of their respective corporations, nor shall they be liable in any manner for their obligations.

Members not to claim property of nor to be responsible for debts of corporation.

**16.** In all civil matters, the president and the secretary of the superior council, and the minister and secretary of such fraternity, respectively, duly authorized by a resolution of the superior council, or by the council of the fraternity, the case may be, shall represent the corporation.

Who represents the corporation.

**17.** The property which has hitherto belonged to the *Fraternité du Tiers Ordre de Saint-François d'Assise de Montréal*, shall continue to belong to the same corporation,

Certain property vested in corporation.

which, in virtue of this act, shall continue to exist under the title of *Tiers Ordre de Saint-François d'Assise, Fraternité de Saint-François d'Assise de Montréal.*

Extinction of fraternities in certain event.

**18.** Every fraternity, which is six months without a council, may be declared extinct by the superior council in concert with the director-general.

Property of extinct fraternities in whom to vest.

**19.** In the event of a fraternity becoming extinct, its property shall belong to the superior council, and in the event of the extinction of the superior council, the Archbishop of Montreal shall dispose of such property as he may deem fit.

50 V., c. 30, repealed.  
Saving clause.

**20.** The act 50 Victoria, chapter 30, is repealed, but all acts performed, rights acquired, and obligations incurred under the said act, shall continue to exist as if it had not been repealed.

Coming into force.

**21.** This act shall come into force on the day of its sanction.

## CAP. XCVII

An Act to amend the charter of the *Syndics Apostoliques des Pères Franciscains de l'Observance.*

[Assented to 10th March, 1899]

Preamble.

**W**HEREAS it has been represented by the petition of John O'Neil, M. C. Galarneau and J. J. Beauchamp, all of the city of Montreal, the *Syndics Apostoliques des Pères Franciscains de l'Observance*, that they were incorporated by the act 56 Victoria, chapter 88, under the corporate name of *Les Syndics Apostoliques des Pères Franciscains de l'Observance.*

Whereas since then Pope Leo. XIII has modified the constitution of the Order of Franciscans and has given it the name of Minorite Friars or Franciscans.

That the name of the syndics of the said Order under the new constitution should be as follows to wit : "*Les Syndics Apostoliques des Frères Mineurs ou Franciscains* ;

That it is necessary to change the corporate name of the said syndics and to modify certain details of their charter respecting their property ;

Whereas it is expedient to grant the prayer to that effect contained in the petition ;

Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

1. Section 1 of the act 56 Victoria, chapter 88, is replaced 56 V., c. 88, s. 1, replaced.  
by the following :

"1. M.C. Galarneau, John O'Neil, Jean Joseph Beauchamp, Persons incorporated.  
of the city of Montreal, in their capacity of *Syndics Aposto-*  
*liques des Frères Mineurs ou Franciscains*, in the Province  
of Quebec, as well as their successors duly appointed, and  
such persons as may be added to them, are hereby incor-  
porated, under the name of the : *Syndics Apostoliques des* Name.  
*Frères Mineurs ou Franciscains*."

2. Section 2 of the said act is replaced by the following : Id., s. 2, re-  
placed.

"2. The corporation shall have perpetual succession. It General pow-  
ers.  
may sue and be sued, acquire, possess and dispose of, in any  
manner whatsoever, moveable and immoveable property in  
the Province of Quebec and elsewhere, provided the annual  
value does not exceed thirty thousand dollars ; it shall have  
all the powers, rights and privileges of ordinary corpora-  
tions."

3. Section 3 of the said act is replaced by the following : Id. s. 3, re-  
placed.

"3. The corporation shall have charge of the wants and Duties of cor-  
poration.  
material interests of the *Frères Mineurs ou Franciscains*."

The property which it shall acquire, shall consequently Application  
and manage-  
ment of  
property.  
be employed and administered in accordance with the rules  
and constitution of the said *Frères Mineurs ou Franciscains*,  
according to the office of the apostolic syndics of the said  
order."

4. Section 6 of the said act is replaced by the following : Id. s. 6, re-  
placed.

"6. The corporation shall be bound by the signature and When corpo-  
ration shall  
be bound.  
consent of the majority of the said syndics only."

5. Section 8 of the said act is replaced by the following : Id. s. 8, re-  
placed.

"8. The syndics shall be appointed, removed and re- Appointment  
and removal  
of syndics.  
placed, according to the rules and constitution of the said  
*Frères mineurs ou Franciscains*."

6. Section 10 of the said act is replaced by the following : Id. s. 10, re-  
placed.

"10. The syndics may make, amend and repeal by- Power to  
make by-  
laws.  
laws for the government of its members ; provided such by-  
laws be not inconsistent with the rules and constitution of  
the said *Frères mineurs ou Franciscains*, with the present  
act, or with any other law of the Province of Quebec."

7. The change of name made by this act shall in nowise Existing  
rights and  
obligations.  
affect the acts done by or the rights and obligations or any  
other matter whatever of the former corporation.

8. This act shall come into force on the day of its sanc- Coming into  
force.  
tion.

## CAP. XCVIII

An act to amend the act incorporating the Montreal Protestant House of Industry and Refuge.

[Assented to 10th March, 1899]

Preamble.

**W**HEREAS the Montreal Protestant House of Industry and Refuge has, by petition, prayed for an amendment to its charter reducing the qualification for the life-governors of the said corporation from four hundred dollars to one hundred dollars, and has also prayed that the said amendment shall have the effect that all persons who have heretofore subscribed the sum of one hundred dollars and upwards shall be life-governors of the said corporation ; and whereas it is expedient to grant the prayer of the said petition ;

Therefore Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

26 V., c. 62, s. 5, replaced. **1.** Section 5 of the act 26 Victoria, chapter 62, is replaced by the following :

Board of governors and composition thereof.

**“ 5.** The ultimate and final control of the said corporation shall be vested in a board of governors, being Protestants and residents within the city and district of Montreal ; such board shall be composed of life-governors, being those who have heretofore subscribed or may hereafter subscribe the sum of one hundred dollars or upwards to the institution, and who shall not be in arrear on any call made on such subscription, and of elective governors, not being less than twenty-four in number at any one time, to be chosen and elected from those who shall subscribe a sum of not less than the sum of twenty-five dollars as an annual subscription ; provided always that, on payment of not less than one hundred dollars in one sum, or of an annual subscription of twenty-five dollars, by any Protestant church or congregation within the city of Montreal, or by any of the national societies known as the St. George's Society, St. Andrew's Society, Irish Protestant Benevolent Society, German Society, New England Society, or by any other such society, such church, congregation or society shall have the right of appointing one person who shall be a governor, and shall act either for life or such other period as may be fixed by such church, congregation or society, subject always to the by-laws, rules and regulations of the said corporation and to the provisions of this act.”

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## CAP. XCIX

An act respecting the sale of certain mining rights belonging to the Alleyn minor children.

[Assented to 10th March, 1899]

**W**HEREAS William Henri Brouage Chaussegros de Lery, Preamble.  
esquire, advocate, of the parish of St. François, Beauce,  
Marie Eliza Corinne Chaussegros de Lery, George  
Gustave, *alias* Gustave Fraser Chaussegros de Lery, esquire,  
notary, dame Marie Louise Cumming, widow of the late  
Louis Charles Alexandre Chaussegros de Lery, both in her  
capacity of universal usufructuary legatee, and testamentary  
executrix of her late husband, and in her capacity of  
tutrix duly appointed to her daughter Corinne, issue of  
her marriage with the said Louis Charles Alexandre  
Chaussegros de Lery, the three latter of the city of Quebec,  
and the Honorable John Sharples, also of the city of  
Quebec, member of the Legislative Council of this Province,  
in his capacity of tutor duly appointed and elected  
in law to John Alexander Alleyn, Richard Henry Gustave  
Alleyn, Mary Margaret Catherine, *alias* Kathleen Alleyn,  
and Louisa Blanche Josephite Alleyn, of the city of Quebec,  
minor children issue of the marriage of the late Honorable  
Richard Alleyn, in his lifetime one of the judges of the  
Superior Court of this Province, and of Dame Catherine  
Louise Josephite Chaussegros de Lery, have by their petition  
represented :

That they are joint proprietors of certain mining rights  
in the seigniory of Rigaud Vaudreuil, in the district of  
Beauce ;

That by her authentic will made at Quebec on the seven-  
teenth day of June, 1884, before Mtres Cyrille Tessier and  
his colleague notaries, Dame Catherine Louise Josephite  
Chaussegros de Lery, of the city of Quebec, widow of the  
late Honourable Richard Alleyn, in his lifetime one of  
the judges of the Superior Court of this Province, dis-  
posed of her property in view of her death ;

That by her said will she bequeathed all of her moveable  
and immovable property to her four children, issue of her  
marriage with the late Honourable Richard Alleyn ;

That the said dame Alleyn died at Quebec some days  
after having made the said will ;

That her children who then succeeded to her estate are,  
John Alexander Alleyn, Henri Richard Gustave Alleyn,  
Marie Marguerite Catherine *alias* Kathleen Alleyn, and  
Louisa Blanche Josephite Alleyn ;

That the Honorable John Sharples, of the city of Quebec,  
member of the Legislative Council of this Province, is the  
tutor appointed in law to the said minor children ;

That by the fifth clause of the said will, the said testatrix orders as follows ;

" In the event of all my children dying while minors and without leaving any posterity, I then substitute in their place my two brothers, my sister, and the child of my brother Chaussegros, subject to the condition that the first three above-mentioned shall retain the share of my property that each of them shall receive to give it upon his or her death, to his or her children, whom I substitute in his or her place ; "

That by the said will, power was given by the said testatrix to the institute and minors and the other incapables though their tutor or curator to sell the immovable property of the estate, but that no power was given to sell the aforesaid mining rights, of which the said minors are equally proprietors, and which they possess undividedly with the four other petitioners ;

That the said petitioners could sell the said mining rights to advantage both for the said minor children and for the other interested parties, without great expense and for a considerable amount, if the tutor appointed to the said minor Alleyn children could give a valid title to the purchaser thereof, conjointly with the other co-proprietors ;

That the other co-proprietors would be the substitutes in virtue of the above cited fifth clause of the late dame Alleyn's will ;

That the said mining rights cannot be sold to advantage and cannot even be sold at all, unless they be sold in their entirety, and unless all the co-proprietors should jointly give a valid title to the purchaser ;

That in fact, the said mining rights, a portion of which belong to the said minors Alleyn, could not, in the ordinary course of law, be sold to advantage for the benefit of the interested parties without heavy expense and considerable loss, owing to their undivided nature and the impossibility of dividing them ;

Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

Sale of mining rights authorized.

1. The said Honourable John Sharples, of the city of Quebec, member of the Legislative Council of this Province, in his capacity of tutor to John Alexander Alleyn, Richard Henri Gustave Alleyn, Mary Margaret Catherine *alias* Kathleen Alleyn, and Louisa Blanche Josephte Alleyn, of the city of Quebec, minor children issue of the marriage of the late Honorable Richard Alleyn, in his lifetime one of the judges of the Superior Court of this Province, and of dame Catherine Louise Josephte Chaussegros de Lery, or any other person appointed to replace him as said tutor in due course of law, if necessary, is authorized to sell, jointly with the other co-proprietors, the said mining rights in the

seigniorv of Rigand-Vaudreuil, in the district of Beauce, under whatsoever title and from whatsoever sources they may come, *en bloc* or separately, for cash or on credit, as they may deem expedient, without the authorization of a family council or other formalities, the order of a court of justice, or of a judge.

2. Any partial transfer, either temporary or permanent, of the said rights of the minors which may have been effected prior to this act by one of the tutors of the said minors Alleyn, jointly with the other co-proprietors, is hereby ratified. Certain former transfers ratified.

3. This act shall come into force on the day of its sanction. Coming into force.

## CAP. C

An Act respecting the estate of Anne Kelley.

[Assented to 10th March, 1899]

**W**HEREAS, dame Susanna Foy has, by her petition, Preamble  
represented;

That dame Anne Kelley, widow of the late Martin Foy, trader, made her solemn will before Mtre. J. G. Crebassa, notary, and two witnesses, by which she bequeathed her property to her son, Martin William Foy, and to her daughter, dame Susanna Foy, wife of M. Albert Gundlack;

That by the said will, the testatrix bequeathed the property and the revenues, derived from the shares which she had in the Molson's Bank, to her two children aforesaid during their life time;

That the said Martin William Foy died about eleven years ago and left four infant children;

That the said petitioner has taken charge of these four children, and has sought, and still seeks to give them a good education;

That two of the said children are still at college;

That she wishes to continue to have the two younger children educated;

That, for this object and to pay the aforesaid debt, the petitioner has no other means than that of selling the shares in the Molson's Bank;

Whereas, she has, by her petition, prayed for the passing of an act to that effect, and it is expedient to grant her prayer;

Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows:

Sale of prop-  
erty of the  
estate au-  
thorized un-  
der certain  
conditions.

**1.** Notwithstanding the provisions of the will of the late Anne Kelly, widow of the late Martin Foy, received before J. G. Crebassa, notary and witnesses, on the 10th December, 1871, the heirs at present in possession of the property of her estate are permitted to sell such portion of her property, to the amount of the debts legitimately incurred up to date and the costs thereon incurred to provide for the same, for and in the interests of the children of the late Martin William Foy, provided :

(a) That Mrs. Susannah Foy, wife of Albert Gundlack, consents thereto ;

(b) That the amount of the said debts and costs, to be paid out of the proceeds of the sale, be established and proved to the satisfaction of a council of the relatives of said minors ;

(c) That such family council declare that such sale is necessary in the interests of the minors ;

(d) That the advice of the said family council be homologated by a judge of the superior court, in the district of Richelieu, and that the latter do order such sale ;

(e) That the judge's order do indicate what debts and costs above-mentioned are to be paid, and what property shall be sold for this object ;

(f) That the sale be made with all the formalities required by law for the sale of the property of minors and with such as the judge may order ;

(g) That the proceeds be remitted to the prothonotary of the superior court in the district of Richelieu, and that they be paid by him in discharge of the said debts and costs.

Coming into  
force.

**2.** This act shall come into force on the day of its sanction.

## C A P. C I

An act respecting the estate of the late Charles Lamothe.

[Assented to 10th March, 1899.]

Preamble.

**W**HEREAS Jacques Cartier and Virginie Cartier, both of the parish of St. Antoine, in the district of Richelieu, have by their petition represented :

That they are proprietors in possession of ten-seventeenths of the constituted rents established in the name of the succession of the late Charles Lamothe, in his lifetime bailiff, of the parish of St. Denis, as being the only children and heirs of the late Antoine-Côme Cartier, in his lifetime notary, and of the late Dame Josephte Cartier, their father and mother, who died intestate ;

That the said late Antoine-Côme Cartier and Josephthe Cartier, being common as to property, were proprietors of that portion of the said constituted rents as established by a deed of rendition of account passed before A. M. Archambault, notary, on the fifth March, 1883, and by a deed of rendition of account passed by J. U. Marcotte and his colleague, notaries, on the twenty-fourth day of October, 1865, and other documents ; but that, by their death that portion of the said constituted rents was transferred to the said Jacques and Virginie Cartier ;

That the rights of the said Jacques and Virginie Cartier, in and to the said constituted rents, consisting in ten-seventeenths of such rents, as established by the said deeds of rendition of account, by the title deeds of such rents and other documents, have been admitted by the other heirs of the said late Charles Lamothe in virtue of the said deeds of rendition of account, and by the persons owing such rents under renewal-deeds to that effect.

Whereas, in the interest of the debtors as well as of the creditors of the said constituted rents, it is desirable that the said Jacques and Virginie Cartier be authorized to collect such constituted rents ; to receive the capital thereof in the event of its being paid ; to give valid acquittances for the same, to ratify those already given and to institute suits for the recovery of such constituted rents in default of payment, the whole for ten-seventeenths of the said rents ; and whereas it is expedient to grant the prayer of the said petitioners ;

Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

**1.** The said Jacques and Virginie Cartier or their representatives may withdraw and collect ten-seventeenths of the unpaid constituted rents belonging to the succession of the late Charles Lamothe set forth in a deed of rendition of account passed by A. M. Archambault, notary, on the fifth day of March, 1883 ; in the event of the payment of the capital of such constituted rents, to receive the same and give valid acquittance therefor ; to ratify those already given and to institute suits for the recovery of the said constituted rents in default of payment,—the whole for ten-seventeenths of the said constituted rents.

Power given to collect certain portion of constituted rents of Lamothe estate.

**2.** The payment of such constituted rents and the capital thereof to the said Jacques and Virginie Cartier to the extent of ten-seventeenths thereof, shall to all intents and purposes relieve the debtors of such rent to the same extent.

Effect of payment, &c.

**3.** This act shall come into force thirty days after its sanction.

Coming into force.

## CAP. CII

## An Act respecting the estate of Jöel Leduc.

[Assented to 10th March, 1899]

## Preamble.

**W**HEREAS Hector Leduc of the town of Nicolet, member of the House of Commons of Canada, Joseph Lamothe of the city of Three Rivers, and Denis Leduc, civil engineer, heretofore of the city of Montreal, and at present of Denver, Colorado, one of the United States of America, in their capacity of testamentary executors of the estate of Jöel Leduc, in his lifetime of Montreal, burgess, have by petition represented :

That by postponing any longer the payment of the legacies and the partition of the property of the succession of the said Jöel Leduc, the testator's nearest relatives, and, among others, his nephews and his nieces, whom he intended to benefit by his fortune,—for the said Jöel Leduc left no children—would be unable to benefit by his liberality in their favour ;

That the said testamentary executors are also unable, owing to the want of certain powers, to carry out several of the testator's intentions, and that unless additional powers be given to the testamentary executors, the testators' intentions will be frustrated.

Whereas it is just and expedient to grant the prayer of the said testamentary executors :

Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

Moneys of estate may be applied to payment of debts, &c.

**1.** Notwithstanding the eighth clause of the said Jöel Leduc's will, and any other provision to the contrary, it shall be lawful for the testamentary executors appointed by the said will to employ for the payment of the debts of, and the charges upon the succession, any sums of money at their disposal, whether capital or revenue, and from whatever sources they may be derived.

Arrangements with persons receiving rents from estate may be entered into for certain purposes. Also with legatees.

**2.** The said testamentary executors are authorized to make with any person receiving rents from the estate and with any legatee any arrangement which they may deem advisable or advantageous for the purpose of extinguishing or paying any legacy and rent ; and any legatee and person receiving rents and other person benefited by the said will, may likewise enter into arrangements with the testamentary executors, notwithstanding any provision to the contrary in the said will.

3. The said testamentary executors may anticipate the payment of any debt, claim or legacy, either for the purpose of reinvestment or for making arrangements in connection with a legacy or with a claim against the estate. Executors may anticipate payment of debts, &c.

4. After paying of the debts of, and charges upon the estate, or after having secured the payment of those which may not have been paid, the testamentary executors may, notwithstanding any provision of the will, to the contrary, effect the partition of all the property belonging to the succession, or the partition of that part only of the property of the succession upon which there are no charges, and which are available, according as they may deem best. Partition of property may be effected after certain payments, &c.

5. In the event of a partition of a portion only of the property of the succession, every portion of the properties to which any heir shall have been so placed in possession shall be deemed an advance made to him by the testamentary executors under the terms of the will. Proviso in event of partial partition.

6. The testamentary executors shall not exercise the powers upon them conferred by this act before having secured, to the satisfaction of Madame Joël Leduc or in the case of disagreement, that of a judge of the superior court, the payment of the gifts and legacies made to her, and the execution of the rights held by her against the succession, such security not to be in any case less than \$150,000.00 represented by immoveables or moveables. Security to be given to satisfaction of Mme. Leduc.

7. This act shall come into force on the day of its sanction. Coming into force.

### CAP. CIII

An Act respecting the estate of Jean Guillet *alias* Tourangeau.

[Assented to 10th March, 1899]

**W**HEREAS Marie Salomé Labbé, widow of Alphonse Tourangeau, notary of Quebec, Archibald Fages of St. Johns, and others, have by their petition, represented; Preamble.  
That by his authentic will, made on the thirty-first day of December, 1850, and his codicil made on the fifteenth day of January, 1851, Jean Guillet *alias* Tourangeau, instituted, as his universal legatees, his children, Pierre, Emilie, Jean, Adolphe and Octave Guillet *alias* Tourangeau, to whom he substituted the children of the latter, his grandchildren, and to these latter, their children, his great-grand-

children, the final substitutes in the substitution, and stipulated therein that there should be accretion in the event of death without posterity;

That Pierre Guillet *alias* Tourangeau died without posterity; that Octave Guillet *alias* Tourangeau died leaving a child, Henriette Guillet *alias* Tourangeau; that Emilie Guillet *alias* Tourangeau died, leaving two children, John Archibald Fages and Alfred Octave Fages; that Alfred Guillet *alias* Tourangeau died, leaving five children, Adolphe, Anna, Marie Louise, Adele and Corinne Guillet *alias* Tourangeau; that Jean Guillet *alias* Tourangeau died, leaving two children, Alphonse and Roch Guillet *alias* Tourangeau, the latter of whom died without posterity; that Alphonse Guillet *alias* Tourangeau died, leaving six children, Alphonse, Alice, Albertine, Roch, Bella and Edith Guillet *alias* Tourangeau; that the latter are the great-grandchildren of the testator, that the substitution is open, so far as they are concerned, and they are entitled to the final partition of the immoveables;

That, by judgment of the Superior Court of the twenty-seventh of February, 1898, it was ordered that the immoveables forming part of the said universal legacy created by the will of the said Jean Guillet *alias* Tourangeau should be provisionally divided into four shares, one of which was given to Alphonse, Alice, Albertine, Roch, Bella and Edith Guillet *alias* Tourangeau; one to Adolphe, Anna, Marie Louise, Adele and Corinne Guillet *alias* Tourangeau; one to Henriette Guillet *alias* Tourangeau; and one to John Archibald Fages and Alfred Octave Fages;

That all the formalities required by law have been fulfilled and that the said partition has been executed, as established by an authentic deed passed at Quebec on the seventeenth day of February, 1899, before the honorable V. W. Larue, notary;

That the immoveables bequeathed, as aforesaid, were, at the time when the said Jean Guillet *alias* Tourangeau made his will and codicil, farming lands situated near the city of Quebec; that, foreseeing that these lands might later be divided into building lots, he stipulated by his codicil that the institutes might sell such lots for constituted rents;

That the said immoveables have been divided into building lots, and have, by the same provisional deed of partition, been divided among the said legatees;

That the grantees refuse to deal with persons who are only provisionally in possession and express a fear that as the indivision might be renewed, they would have to pay the ground rent to a large number of persons and in unequal amounts;

That, owing to the above, a serious obstacle exists to the execution of the testator's will, as well as considerable loss to the parties, in view of its being almost impossible to



deal with such immoveables in a manner which would nevertheless be very advantageous and the only real beneficial ones for the parties ;

That the minors named Alphonse, Alice, Albertine, Roch, Bella and Edith Guillet *alias* Tourangeau are entitled, in any case, to a final partition of the said immovables ;

That the said minors, Alphonse, Alice, Albertine, Roch, Bella and Edith Guillet *alias* Tourangeau are also universal legatees of the late Henriette Guillet *alias* Tourangeau, by her authentic will made, at Quebec, on the tenth day of February, 1870 ;

Whereas as such they are owners of immoveables also situated in the banlieu of Quebec, and that such immovables have been divided into building lots ;

Whereas Marie Salomé Labbé, their tutrix, has granted several of these lots for constituted rents ; but the obligation to comply with the provisions of article 297 of the Civil Code causes her, in the case of each concession, to incur considerable expense and delay, which frequently prevents her from concluding advantageous contracts ;

Whereas exemption from the provisions of said article would not cause the minors to run any risk, inasmuch as the said tutrix does not receive the capital of such rents, which remains hypothecated on the immovable ;

Whereas it would be in the interest of the said minors, after having obtained, from the family council, the general authorization to sell under constituted rents, building lots of which they are legatees in virtue of the will of Henriette Guillet *alias* Tourangeau, and also those of which they are legatees and substitutes under the will and codicil of Jean Guillet *alias* Tourangeau, and which constitute their share according to the partition made by the said deed of provisional partition, that the said tutrix be authorized to consent to such deeds of sale under constituted ground rents, without fulfilling the formalities required by article 297 of the Civil Code ;

Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

1. The partition, ordered by judgment of the twenty-seventh day of February, 1898, of the immovables forming part of the succession of Jean Guillet *alias* Tourangeau, described in the aforesaid deed of partition, passed before the Honorable V. W. Larue, on the seventeenth day of February, 1899, and attributed : one-fourth to the minors Alphonse, Alice, Albertine, Roch, Bella, and Edith Guillet *alias* Tourangeau, another fourth to Henriette Guillet *alias* Tourangeau, another fourth to Adolphe, Anna, Marie-Louise, Adèle and Corinne Guillet *alias* Tourangeau, and another fourth to John Archibald Fages and Alfred Octave Fages, is final, and the aforesaid authentic deed is declared to be the final

Certain partition declared to be final.

deed of partition as regards the immoveables described therein.

Certain rights  
not affected.

2. The above provisions shall not affect the rights and obligations of the institutes towards the substitutes in the said substitution created by the will of Jean Guillet *alias* Tourangeau, as regards property forming part of their respective lots, and also without prejudice to the rights of accretion in the case of decease without posterity stipulated in the said will.

Certain prop-  
erty may be  
sold, without  
observance of  
certain for-  
malities.

3. The said Marie Salomé Labbé or any tutor who may succeed her, after having obtained from the family council of the said minors Alphonse, Alice, Albertine, Roch, Bella and Edith Guillet *alias* Tourangeau, authority to sell for constituted ground rents in building lots, the immoveables whereof the said minors are legatees under the aforesaid will of Henriette Guillet *alias* Tourangeau, and those whereof they are legatees and institutes under the will and codicil of Jean Guillet *alias* Tourangeau, and which constitute their share in accordance with the said deed of partition, may sign the deeds of sale under constituted ground rents of the said immoveables, without fulfilling the formalities required by article 297 of the Civil Code, and those she has signed without complying with said formalities are hereby ratified and declared valid.

The costs of the action in partition and of the partition, those occasioned thereby and those incurred for obtaining this act shall be paid out of the capital sum deposited in *La Caisse d'Economie Notre-Dame de Québec*, belonging to the legatees of Jean Guillet *alias* Tourangeau in conformity with the apportionment determined in section 1 of this act.

Coming into  
force.

4. This act shall come into force on the day of its sanction.

## CAP. CIV

An Act to declare final, but subject to certain substitutions and to articles 101 and 102 of the Civil Code, the possession by Antoine Philippe Eugène Panet of the immoveables bequeathed to Joseph Félix Lussier Panet by the late Félix Lussier and Angélique Deschamps.

[Assented to 10th March, 1899]

Preamble.

WHEREAS Antoine Philippe Eugène Panet, advocate, of the city of Windsor, in the county of Essex, in the Province of Ontario, has, by petition, represented:

That his brother Joseph Félix Lussier Panet, formerly of the city of Montreal, in the Province of Quebec, clerk, now of parts unknown, has been absent from his domicile since the beginning of the year 1881;

That no news has been received of the said Joseph Félix Lussier Panet, since the end of the year 1881 ;

That the family of the said Joseph Félix Lussier Panet have always considered that he died about that time ;

That the said Joseph Félix Lussier Panet is proprietor, jointly with the petitioner, of certain immoveables subject to substitution in the district of Montreal, to them bequeathed by the wills of their late grandfather Félix Lussier and grandmother Angélique Deschamps, made at Varennes, on the fifth day of August, 1873, before Maître E. Alexis Beaudry, notary, and that, in virtue of the said wills, the share of the said Joseph Félix Lussier Panet in the said immoveables must revert to the petitioner in the event of the said Joseph Félix Lussier Panet dying without children ;

That, under a judgment of the Superior Court of the Province of Quebec, sitting in and for the district of Montreal, the petitioner was declared sole presumptive heir and representative of the late Joseph Félix Lussier Panet, and was placed in provisional possession and enjoyment of the immoveables which the said Joseph Félix Lussier Panet enjoyed as aforesaid ;

That, in view of the continued absence of the said Joseph Félix Lussier Panet, it is necessary that the possession granted by the said Superior Court be declared final, but subject to articles 101 and 102 of the Civil Code, without discharging the said immoveables from the substitutions affecting the same ;

Whereas there is no opposition to the petitioner's application, and it is expedient to grant the same ;

Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

1. The possession by Antoine Philippe Eugène Panet of the immoveables bequeathed to Joseph Félix Lussier Panet by the late Félix Lussier and Angélique Deschamps is declared final, but subject to the substitutions mentioned in the said wills and to articles 101 and 102 of the Civil Code. Certain possession declared final.

2. This act shall come into force on the day of its sanction. Coming into force.

#### CAP. CV

An Act to authorize the Bar of the Province of Quebec to admit Henri Bourassa among its members.

[Assented to 10th March, 1899]

**W**HEREAS Henri Bourassa, of Papineauville, in the district of Ottawa, member of the Commons of Canada, has by his petition represented : Preamble.

That he has followed a complete course of studies, but has not passed the examination required for admission to the study of law ;

That on the 17th November, 1897, he was indentured to Auguste S. MacKay, a practising advocate, residing at Papi-neauville ;

That the majority of the members of the Council of the Bar have signed a document whereby they gave their consent to the presentation of a bill to exempt the Henri Bourassa from passing the examination for study.

Whereas he has prayed for the passing of an act, authorizing the Bar of the Province of Quebec to admit him amongst its members, and it is expedient to grant his prayer ;

Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec enacts as follows :

H. Bourassa may be admitted to Bar after examination. When examination to be held.

1. The Bar of the Province of Quebec is authorized to admit Henri Bourassa among its members, after the ordinary examination for admission to practice.

Nevertheless, the said Henri Bourassa cannot be admitted to examination until he has completed his time as a student which began in November 1897.

Coming into force.

2. This act shall come into force on the day of its sanction.

## CAP. CVI

An Act to authorize the Bar of the Province of Quebec to admit Leopold Guérin among its members, after examination.

[Assented to 10th March, 1899]

Preamble.

WHEREAS Leopold Guérin, of the city of Montreal, student at law, has by petition represented :

That for more than five years, he has been continually employed as a student at law in the offices of Messrs. Beaudin, Cardinal, Loranger and St. Germain, advocates, of the city of Montreal ;

That, from the month of September, 1896, he has followed the law course of Laval University with the intention of obtaining the degree of bachelor of civil law ;

That he passed his preliminary examination for the study of law in July, 1897, and was regularly inscribed at that date, and that, in the ordinary course of affairs, it will be impossible for him to present himself for examination for admission to the practice of law before July, 1900 ;

That, on the 27th of July, 1897, he was indentured to his said patrons by deed before F. T. Langevin, Notary ;

Whereas he has prayed that the Bar of the Province of Quebec be authorized to admit him to practise the profession of advocate, after he shall have obtained the aforesaid degree

and after examination, and whereas the council of the Bar of the district of Montréal and the majority of the members of the general council of the Bar have approved of the present act;

Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

1. The Bar of the Province of Quebec is authorized to admit Leopold Guérin to practise the profession of advocate as soon as he shall have obtained the degree of bachelor of civil law and shall have passed the examination required by the Bar.

L. Guérin may be admitted to Bar after examination.

2. This act shall come into force on the day of its sanction.

Coming into force.

## C A P . C V I I

An act to authorize the Bar of the Province of Quebec to admit Jean Alfred Simon Lapointe among its members, after examination.

[Assented to 10th March, 1899]

WHEREAS Jean Alfred Simon Lapointe, of the city and district of Quebec, has by his petition represented :

Preamble.

That, he was duly admitted to the study of law on the sixteenth day of January eighteen hundred and ninety-six :

That since that date he has been indentured to an advocate, and has regularly attended his office ;

That, in the month of July next, he will have completed a three years' course of law at Laval University in Quebec, and will be prepared to present himself at the examination of the Bar for admission to the practice of the profession of advocate ;

That owing to circumstances beyond his control, he registered his certificate of admission to the study of law only in the month of December, eighteen hundred and ninety-six ;

That, in consequence of such delay in the registration of his certificate of admission to the study of law, the said Jean Alfred Simon Lapointe cannot present himself at the examination of the Bar at the expiration of his clerkship ;

That the general council of the Bar of the Province of Quebec has approved the present act ;

Whereas the petitioner has, by his petition, prayed that the Bar be authorized to admit him to examination, notwithstanding the aforesaid omission, and it is expedient to grant his prayer ;

Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

J. A. S. Lapointe may be admitted to Bar after examination.

1. The Bar of the Province of Quebec is authorized to admit the said Jean Alfred Simon Lapointe, to present himself at the final examination for admission to the practice of law, in the month of July next, on presenting a diploma from the University of Laval, conferring upon him the title of Bachelor of Law, and on producing a certificate establishing that he has attended an advocate's office during three years.

Coming into force.

2. This act shall come into force on the day of its sanction.

### CAP. CVIII

An act to authorize the Bar of the Province of Quebec to admit Henri Laurier among its members after examination.

[Assented to 10th March, 1899]

Preamble.

**W**HEREAS Henri Laurier has, by his petition, represented :  
That he has gone through a classical course in two of the colleges of the province ;

That he is and has been since the 17th September, 1890, joint-prothonotary of the Superior Court, and joint-clerk of the Circuit Court, of the Crown, and of the Peace, for the District of Arthabaska ;

That, during the time that he has occupied these offices and otherwise, he has acquired sufficient legal knowledge for admission to the Bar, in addition to considerable experience of the procedure required in practice ;

That he has not complied with the requirements of the law respecting indentures and admission to the study of law, and the Bar cannot admit him among its members unless it be authorized thereunto by an act of this Legislature ;

That the section of the Bar of the District of Arthabaska has recommended the passing of an act to that effect, and that the general council of the Bar has approved the same by resolution on the 25th November last, on condition that the petitioner pass an oral examination on the civil code and the code of civil procedure ;

Whereas the petitioner has prayed that an act be passed to that effect, and it is expedient to grant such prayer :

Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

1. The Bar of the Province of Quebec is authorized to admit Henri Laurier among its members after he shall have passed the oral examination for admission to practice.

H. Laurier  
may be ad-  
mitted to  
Bar after ex-  
amination.

2. This act shall come into force on the day of its sanction.

Coming into  
force.

## CAP. CIX

An Act to authorize the Board of Notaries of the Province of Quebec to admit Léon Trudeau to the practice of the notarial profession, after examination.

[Assented to 10th March, 1899]

WHEREAS Léon Trudeau, of Coaticook, has, by his petition, represented :

Preamble.

That he is a British subject and twenty-nine years of age ;

That he was admitted to the study of the notarial profession on the 23rd May, 1890 ;

That he served under a practising notary for over eight consecutive years ;

That, owing to the provisions of article 3823 of the Revised Statutes, he cannot be admitted to the examination for practice because he did not present himself within the delay fixed by the said article, and that special authority from the Legislature is necessary to allow of his so doing ;

Whereas the Board of Notaries has approved of the passing of an act to that effect ;

Whereas, by his petition, the said Jean Trudeau has prayed for the passing of an act to that effect and it is expedient to grant such prayer.

Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

1. The Board of Notaries of the Province of Quebec is authorized to consider and to treat Léon Trudeau, notarial student of Coaticook, as a notarial student who has completed his five years' clerkship, and to admit him to the examination required by law for admission to the practice of the notarial profession and, after such examination, to admit him among its members and give him a certificate of admission to practice.

L. Trudeau  
may be ad-  
mitted after  
examination

2. This act shall come into force on the day of its sanction.

Coming into  
force.

## CAP. CX

An act to authorize Prosper Cyprien Baumier to practise as a surgeon-dentist in the Province of Quebec, after examination.

[Assented to 10th March, 1899]

## Preamble.

**W**HEREAS Prosper Cyprien Baumier, of the city of Quebec, hath, by petition, represented :

That in the year 1882 he was duly indentured to a licensed dentist for the study and practice of the dental profession ;

That he has gone through all the necessary and special studies at the University of Laval, Quebec, and at the Pennsylvania College of Dental Surgery at Philadelphia where he has obtained his diplomas ;

That he has obtained his regular license and has practised dental surgery for thirteen years, that he has also been admitted as a physician and surgeon and practised his profession for many years ;

That from his studies he possesses all the necessary knowledge and qualifications, and is, for the purposes of the present act, duly authorized by the Dentists' Association of the Province of Quebec ;

That he is poor and aged, and that it would be impossible for him to serve his time as a student, and at the same time to earn a livelihood for himself, and for that of his family ;

That he now desires to return to and reside in the Province of Quebec ;

Whereas he has prayed for the passing of an act authorizing him to be admitted, after examination, a member of the Dental Association of the Province of Quebec, and it is expedient to grant his prayer ;

Therefore, Her Majesty, by and with the advice and consent of the Legislature of Quebec, enacts as follows :

P. C. Baumier authorized to be admitted to practice as dentist.

**1.** The Dental Association of the Province of Quebec is hereby authorized to grant to the said Prosper Cyprien Baumier a license certificate of surgeon-dentist in this province, and all the privileges connected therewith, after the regular examination for admission to the practice of the said profession.

Coming into force.

**2.** This act shall come into force on the day of its sanction.



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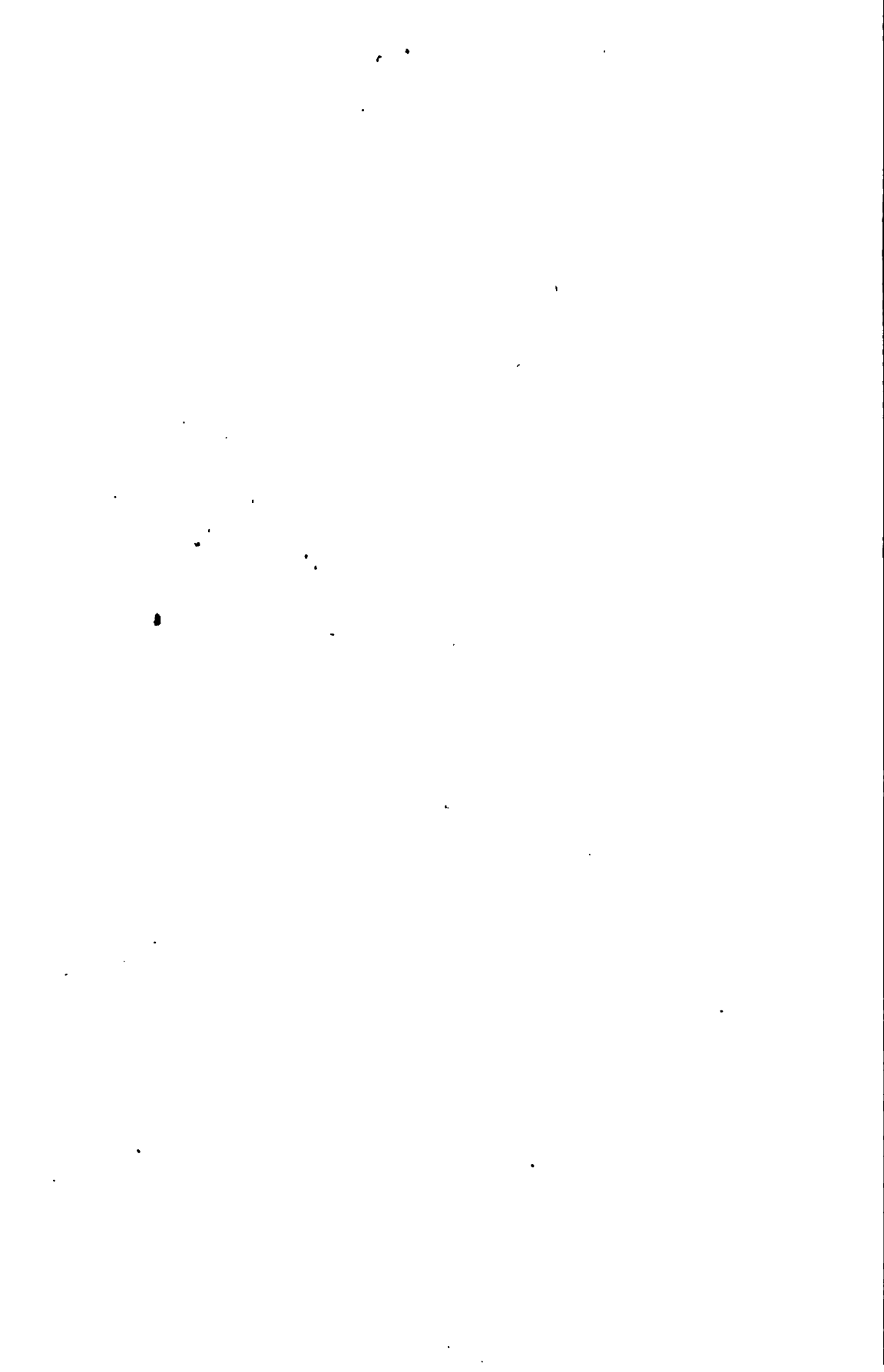
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the 1990s, the number of people in the UK who are aged 65 and over has increased from 10.5 million to 12.5 million, and the number of people aged 75 and over has increased from 4.5 million to 6.5 million (Office for National Statistics 2000). The number of people aged 65 and over is projected to increase to 15.5 million by 2020, and the number of people aged 75 and over to 8.5 million (Office for National Statistics 2000). The increase in the number of people aged 65 and over is expected to be due to a combination of factors, including a decline in the birth rate, a decline in the death rate, and a decline in the rate of emigration.

The increase in the number of people aged 65 and over is expected to have a significant impact on the UK's economy and society. The increase in the number of people aged 65 and over is expected to lead to a decline in the number of people in the workforce, which will lead to a decline in the number of people who are able to pay taxes. This will lead to a decline in the amount of money that is available to fund public services, including the National Health Service (NHS). The increase in the number of people aged 65 and over is also expected to lead to a decline in the number of people who are able to support themselves, which will lead to a decline in the number of people who are able to pay for their own care.

The increase in the number of people aged 65 and over is also expected to lead to a decline in the number of people who are able to work, which will lead to a decline in the number of people who are able to pay taxes. This will lead to a decline in the amount of money that is available to fund public services, including the NHS. The increase in the number of people aged 65 and over is also expected to lead to a decline in the number of people who are able to support themselves, which will lead to a decline in the number of people who are able to pay for their own care.

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